

Oregon State Bar

2008 **COMMITTEE
& SECTION**

Annual Reports

2008 Committee and Section Annual Reports

The Oregon State Bar would like to thank all Committee and Section volunteers for their service. Committees and Sections are vital to the ability of the bar to provide both member and public services and to keep the organization responsive to the needs of its members, the courts, and the bar. To all 2008 Committee and Section members, thank you for your time and expertise.

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COMMITTEES

Bar Press Broadcasters Council

Activities and accomplishments:

The Council prepared and is distributing new guidelines directed to lawyers, in place of the former Bar Press guidelines, for interactions with print and broadcast journalists. The council is working on other potential publications directed to journalists and lawyers.

The Council continued to promote discussion between and among journalists and lawyers regarding coverage of court proceedings through its annual Building a Culture of Dialogue program in Portland in May and in Bend in September.

The Council has continued to monitor and discuss issues involving the intersections of broadcast and print journalism with the courts and lawyers and to respond appropriately. The Council has also discussed the impact of internet journalism and the potential inclusion of internet journalists and/or bloggers on the Council.

Matters considered/pending:

The Council appointed a subcommittee to review UTCR 3.180 regarding audio/visual recordings in courtrooms and to recommend to the Council any changes the Council should suggest to the Oregon Supreme Court. The subcommittee reviewed the rule and recommended that no changes be offered. After discussion with the Council, that recommendation was accepted as no further action was taken.

The Council discussed updating the bylaws of Council to streamline the governance and operations of the Council and to permit modern communications methods for official notices, communications, and conferences. The Council appointed the outgoing Chair, Steven M. Wilker, to make recommendations to the Council at its February 2009 meeting.

Recommendations for 2009:

- Complete work on publications noted above.
- Complete work on bylaws modernization.

Respectfully submitted: Steven M. Wilker (CH), Duane A. Bosworth, Jane Marie Claus, David F. Doughman, John S. Foote, W Michael Gillette, Laura Graser, Daniel L. Kepler, Dan R. Olsen, Michael D. Schrunk, Marc Sussman, Kateri Walsh (BL).

Certified Public Accountants – Joint Committee

Activities and accomplishments:

The committee holds six meetings including our annual fall retreat throughout the year, each lasting for approximately one hour except for our fall retreat which includes dinner and a social hour. The fall retreat took place at the Riverside Golf and Country Club this year. At our meetings and retreat we discussed matters uniquely common to both the law and accounting professions.

The committee members wrote and edited articles for the Professional Insight feature in the Oregon Certified Public Accountant. This is a monthly journal published by the Oregon Society of Certified Public Accountants.

One recommendation from the 2007 annual committee report was to consider a joint effort with the Unauthorized Practice of Law committee. This would have involved establishing guidelines that members of the CPA profession could consult if there was a concern that one or more activities may constitute the unauthorized practice of law. Our investigation into this project revealed very few unauthorized practice of law complaints against CPAs. All such complaints were dismissed. In addition, it was discussed that guidelines may have unduly restricted the deliberations of the UPL committee. It was decided that this project should not be pursued.

Matters considered/pending:

At our fall retreat we discussed certain areas of law in which attorneys require information that is first compiled and analyzed by members of the CPA profession. Such areas could include litigation, estate planning as well as other tax planning matters, and domestic relations law. The committee decided to look further at the issue of establishing protocols for the transfer of information from CPAs to attorneys where the work product of each is important to resolving issues of law.

Recommendations for 2009:

The committee will continue to update and maintain the committee's website hosted by the OSCPA

The committee will continue to identify and discuss areas of law where the work product of both the attorney and CPA is relevant to the resolution of legal issues. The concept of establishing protocols for the transfer of such

information from the CPA to the attorney will be considered.

The committee has experience in the preparation and implementation of continuing education programs of common interest to the accounting and legal professions. If the committee finds that establishing the protocols mentioned in the prior paragraph would be helpful to both professions, the creation of a continuing education course may be considered.

The committee will continue to arrange opportunities for lawyers and accountants to network and work on issues of common interest.

The committee will submit Professional Insight articles to the Oregon Certified Public Accounting monthly journal.

Respectfully submitted: Steven B. Resnikoff (CH), David L. Shawcross (SEC), Joshua M. Barrett, Jay D. Broudy, J Ellen Burson, Robert R. Calo, Darin S. Christensen, Steven M. Cyr, William H. Dolan, Michael R. Handy, Marcus M. Henderson, Tonna M. Hollis, Gary S. Leavitt, Vivian M. Lee, Patricia Annet Leighton, Leah M. Mallon, William S. Manne, Jeanna M. McGlasson, Hollis K. McMilan, Shane D. Moncrieff, Gregson Parker, Jeremy P. Prickel, James G. Rabe, Ginger S. Skinner, Robin Tompkins, John D. Walch, Fredrick H. Williams, Nancy K. Winn, Cathi Pittman (BL).

Client Security Fund Committee

Activities and accomplishments:

The Client Security Fund Committee (CSF Committee) is responsible for the review and recommendation to the Board of Governors of claims made by the public which involve the funds received by Oregon attorneys. The CSF Committee discharges its duties by assigning claims that re received to individual committee members. The committee member is responsible for reviewing the materials received, contacting the complainant and the attorney to determine the scope and nature of the complaint. Information is gathered from a variety of sources to allow for a review of the inquiry. The committee member then assimilates the information in the form of a report to the committee as a whole in the form of a written memorandum. The claim is then considered at the next full committee meeting with either a recommendation that the Board of Bar Governors pays the claim, does not pay the claim or that further investigative work be done on the claim. In rare instances the claim is tabled pending action by another interested party.

At the time of writing, in 2008, the CSF Committee received 37 claims. Of those, the CSF Committee recom-

mended payment in 17 cases, denied 2 claims and have 18 claims pending.

Recommendations for 2009:

The CSF Committee exists for the purposes of reviewing claims made against the Client Security Fund. During 2008, a historically average number of claims were made. The claims were typically of relatively low value and the Client Security Fund remains at a healthy level for the future. The Committee members are kept busy investigating claims and it will not be a challenge to keep members fully engaged during the next committee year. I make no additional recommendations for next year.

Special thanks to Sylvia Stevens, our OSB Liaison and Kathleen Evans, our BOG contact.

Respectfully submitted: Scott Erik Asphaug (CH), Susan T. Alterman (SEC), Martin Barrack, Jeffrey P. Chicoine, Tigran W. Eldred, Eric R. Foster, Linda L. Marshall, Joan-Marie Michelsen, Mitzi M. Naucler, Robert E. Quintero, J. Russell Rain, Connie Swenson, Ron J. Palmer (PM), Kathleen A. Evans (BC), Sylvia E. Stevens (BL).

Federal Practice and Procedure Committee

Activities and accomplishments:

In 2008, a new structure was established for the Federal Practice and Procedure Committee. Members of the committee were divided into subcommittees to work on distinct projects of particular interest to the members. Four subcommittees were established. One focused on improving communications between the bench and bar regarding matters related to federal practice. The second subcommittee worked to identify and correct conflicts between the local rules and electronic filing rules or procedures. The third subcommittee continued the work that the committee was doing last year to revitalize the pro bono panel. The fourth subcommittee worked on CLE planning.

Meetings of the committee as a whole were held every other month. Subcommittees met in those months that there was not a meeting of the entire committee.

Members of the "Bench/Bar Communications" subcommittee identified areas of concern for practitioners and judges, including pretrial conferences, and the requirement for submitting concise statements of material fact in support of motions for summary judgment. There was discussion about issuing a survey of some kind to federal practitioners, but the subcommittee could not identify

an effective vehicle for distributing the survey and had concerns about the likely response rate. In October 2008, one of the subcommittee members attended the monthly judges' meeting along with the Lawyer Representatives to the Ninth Circuit. The discussion was productive and a member of our committee will be invited to attend future judges' meetings that will include the Ninth Circuit Lawyer Representatives.

The "Local Rules/Electronic Filing" subcommittee conferred with the Local Rules Committee and representatives of the Clerk's office regarding inconsistencies in how motions that were electronically filed were docketed and confusion that those inconsistencies cause about the deadlines for responses. As the Local Rules Committee was in the process of proposing amendments to the Local Rules, action on the issues identified was left to that committee. The subcommittee also had dialogue with the Local Rules Committee regarding other issues, such as the possibility of implementing a rule requiring that the U.S. Government file the administrative record within a certain timeframe in cases involving appeals of administrative decisions.

The "Pro Bono Panel" subcommittee continued to assist Magistrate Judge Janice Stewart with her efforts to revitalize the federal court pro bono panel and to systematize the process through which the court refers out cases involving pro se plaintiffs for evaluation. The subcommittee worked primarily on developing referral information and a handbook about the basics of federal litigation to be posted on the website. Also in the works are resources for attorney volunteers, including information about contacting inmates at various correctional institutions and a civil rights litigation handbook. In addition, the subcommittee prompted the ACLU to offer a biannual civil rights litigation CLE seminar that volunteer attorneys on the pro bono panel will be encouraged to attend.

The "CLE Planning" subcommittee put together a presentation for the October 2008 OSB New Lawyers Section CLE regarding key differences between litigating in state court and federal court.

Matters considered/pending:

Other than the projects described above, there were no other matters considered by the Committee.

The committee will be discussing at its December 2008 meeting whether committee members wish to continue the subcommittee structure, as this was the first year such a structure was implemented. Assuming there is interest in maintaining this structure, committee members will be given the opportunity to identify new projects of interest. If the existing subcommittees continue, there is

continuing work that can be done in each area.

Recommendations for 2009:

The work of the Committee suffered this year due to the poor attendance of many committee members. While it was hoped that the subcommittee structure would encourage full participation, by giving committee members the opportunity to work on projects of personal interest and to identify short-term goals that could be achieved over the course of the year, it is questionable whether the new structure accomplished that goal. Attendance guidelines should be strictly enforced and committee members should have a clear understanding of the level of participation expected of them. Those committee members who fail to maintain the expected level of participation should be replaced.

Respectfully submitted: Dana L. Sullivan (CH), Danielle J. Hunsaker (SEC), Michelle R. Burrows, Thomas K. Doyle, Marianne G. Dugan, Kristina Hellman, Michelle LH Ing, Stephen William Manning, Kristen A. Nelson, Karen O'Kasey, Michael M. Ratoza, Kristina M. Reynolds, Elizabeth A. Semler, Michael C. Zusman, Randall L. Dunn (ADV), Garr M. King (ADV), Janice M. Stewart (ADV), Christopher H. Kent (BC), Helen M. Hirschbiel (BL).

Judicial Administration Committee

Activities and accomplishments:

The Committee met monthly and considered the following matters:

- JAC Website <http://orjac.homestead.com/index.html>, established Standing Committee to improve the website content and functionality
- Monitoring of the Chief Justices' eCourt Program – continuous agenda item
- UTCR Chapter 21, Electronic Filing and Service – JAC Suggested Amendments Adopted by UTCR Committee, established a Standing Committee to monitor UTCR Chapter 21 and propose changes to the UTCR Committee as need for change is identified
- Fees in Civil Actions and Motions – increases through chapter 860 Oregon Laws 2007
- Direct Democracy - The Initiative Process in Oregon and Its Impact on Judicial Administration, established a Standing Committee to monitor initiatives and referrals for 2010.
- Civil Motion Fees – Chief Justice Implementation of

the Motion Fees CJO 07-055

- Opening the Door on the State of Court Facilities – Monitoring the Work of the Interim Committee on Court Facilities and its Report to the Legislative Assembly
- How New Judgeships are requested and allocated (process, politics and the Joint Committee on Oregon Trial Court Judicial Resources)
- eCourt and Court Records for Display on the Web – protecting public record access and individual privacy and confidentiality in a web based court records environment
- Overview of “Treatment Courts” in Oregon, established a Standing Committee
- 2008 November Ballot Measures – Fiscal Impacts and Consequences for Judicial Administration of Measures 57, 59, 61 and 62.
- The Declining Rate of Civil Jury Trials - National Trend
- Water Court Proposal – directly impacts Judicial Administration, but will only monitor work of other OSB sections and committees on this issue.
- The Declining Rate of Civil Jury Trials – Cost of Discovery Raises the Stakes in Going to Trial
- 2008-09 Report of the OSB-OJD Joint Committee on Trial Court Judicial Resources
- The Change in Judicial Roles Driven by a steady Increase In Self Represented Parties Who Have Growing Access to Judicial Services and the Judicial Department’s Emphasis on Appropriate Dispute Resolution With Its Menu of Processes to Resolve Circuit Court Actions
- Civil Jury Trial Guidelines – 2 examples: Multnomah County’s and Office of the State Court Administrator’s Guide for Self Represented Litigants
- Reviewed Legislation proposed by the Oregon State Bar, Oregon Judicial Department and Council on Court Procedures (changes which become law if not altered by legislative action) for the 2009 Legislative Assembly.
- The Evolution and Role of the “Community Court” – the broken windows theory.

Matters considered/pending:

- Monitoring Oregon eCourt. Reviewed chapter 129 Oregon Laws 2007; sections one and two establish a

statutory basis of the Chief Justice’s eCourt Program (amending ORS 1.002 and creating ORS 7.124). The JAC spent parts of 6 meetings in reviewing or monitoring the implementation of the Oregon eCourt Program. This program is the single most important change in the realm of judicial administration since the Legislative Assembly enacted state funding of the circuit courts (and the then district courts – until the 1998 consolidation of the two levels) in 1981, effective January 1, 1983. Oregon’s Legislative Assembly approved funding in support of Oregon eCourt in February 2008.

- The Oregon eCourt implements technology that supports the Oregon Judicial Department’s Mission and gives to judges and courts the information management resources necessary to provide just, prompt, and safe resolution of civil disputes; to improve public safety and the quality of life in our communities; and to improve the lives of children and families in crisis.
- Oregon eCourt will transform how the Judicial Department serves the people of this state. It is the Judicial Department’s primary strategic undertaking for the next five years. It is the Department’s largest technology program in support of the court users, administrative staff and judges and involves a significant commitment of time and resources.
- Oregon eCourt implements technology that shifts the present paper document centric system to a digital universe of information and services. This technology will transform how private businesses, public agencies and individuals obtain services and information from the Department’s courts; it will change how judges and court staff work. It will also change how those who rely on access to court documents and information work. From the limits of a paper document available only from a single case file in a single courthouse to a single person at a time during the 8 hour business day, Oregon eCourt will be available to all users 24 hours a day, every day of the year, for documents, court information, and case related filing and payment services.
- Judge Michael Marcus says the following about this program: “Oregon eCourt’s features will enhance public trust and confidence by enhancing judicial administration, quality and timely dispute resolution, expanded access to justice, and efficient collaboration with justice system partners and other stakeholders, all in service of responsible stewardship of public resources and excellence in performance

of OJD's public missions – upon which public trust and confidence ultimately depends. The web portal establishes a prominent, consistent, useful and impressive presence appropriate for an independent branch of government. Electronic content, eFiling, case management, and business intelligence applications maintain visibly efficient court operations and case processing.”

- Oregon eCourt will construct a standard technology infrastructure in the state's courthouses, including:
 - A single web portal for access to OJD information and services in any court location
 - Web based services and self help centers
 - Web access to court documents, case records, exhibits and other digital content
 - Video court appearances from anywhere with an internet connection, a camera, and bandwidth
 - Video conferencing for trainings and meetings
 - Wireless web access in every courthouse
 - Standardize business processes across the state
- Oregon eCourt service availability does not replace in-person services at a physical courthouse nor the place in which court proceedings are conducted. For those who still need or want to use the traditional services in a court facility, those will remain available, just as they are today. Hearings and trials will still be held in a public courthouse setting, as provided under Oregon's Constitution and statutes.
- The Judicial Administration Committee will continue to monitor the Oregon eCourt Program through implementation in the four pilot sites in April 2009.
- Amended proposed UTCR Chapter 21, Filing and Service by Electronic Means, and presented those amendments to the UTCR Committee. The UTCR Committee accepted the JAC's amendments and included them in the final version of Chapter 21, which became effective on August 1, 2008.
- The JAC will continue to review and propose necessary updates to UTCR Chapter 21 as issues are identified.
- The JAC reviewed the impact of the initiative process on judicial administration. The Oregon Judicial Department, the constitutional third branch of our state government, is dependent on legislative funding to accomplish its purpose to provide just, prompt, and safe resolution of civil disputes; to improve public safety and the quality of life in our communities; and to improve the lives of children and families in crisis. The initiative process, Oregon's system of popular democracy created in 1902, has been used in the last 20 years to shift expenses from local governmental entities to the state and to create additional state expenses without regard to the balancing of the state's budget. The Legislative Assembly, our representative decision making body that is charged with financing state government operations, however, must balance each biennial budget. Each initiative that is approved and which requires the expenditure of more state revenue than it raises constrains legislative discretion in funding all state programs by mandating the use of state revenue for the purpose of the initiative.
- The Legislative Assembly loses its discretion to fund the operation of programs when initiatives preempt the use of state revenue. This impact is direct for judicial administration; the Chief Justice is required to find revenue sources from increased filing fees in civil actions and increased fines and assessments in criminal actions. The Judicial Administration Committee will continue to monitor initiatives for the ballot in 2010, which are in preliminary stages of the process at this time.
- Monitored and assessed the impact on the Oregon Judicial Department of the initiative petitions and legislative referrals which were on the ballot for the 2008 General Election. Measures 57 and 61 would affect directly the operations of the circuit courts through the enhancement of sentences for certain offenses. These two measures as well as Measures 59 and 62 would also negatively impact the State's General Fund revenues in future years. Of these four measures, only Measure 57, a legislative referral, was approved by the voters, and the fiscal impact of that measure on General Fund revenue is estimated to be \$9 million in Year 1, \$74 million in Year 2, \$79 million in Year 3, and \$106 million in Year 4, and \$143 million in each following year after Year 4 – plus \$519 million in bonded debt for new prison construction to be paid over 25 years.
- The Committee monitored the work of the Joint Interim Committee on Court Facilities. In the 2005-07 interim, the Oregon State Bar staffed a coalition composed of Oregon State Bar leadership, the Chief Justice and Judicial Department representatives, and the Association of Oregon Counties' members and staff. This group met over several months in 2006 to

develop a proposal for funding circuit court facilities. That proposal, published by the Oregon State Bar in 2006, was the genesis for legislative action which resulted in sections 18 and 20, chapter 860 Oregon Laws 2007; those sections established the legislative interim committee and funded it with \$600,000 to recommend standards for court facilities and then study and report back on the status of circuit court facilities in Oregon in meeting those standards and the cost to bring all facilities up to those standards.

- The report of the Interim Committee on Court Facilities, released in November 2008, establishes recommended standards and gives a ranking of court facilities in Oregon based on condition of the facility and its supporting elements which provide safety and comfort to the users and a cost associated with meeting the recommended standards. The report, for the first time, presents a comprehensive and objective picture of the condition of circuit court facilities statewide. The report will be considered further by the 75th Legislative Assembly, in 2009. The estimated total capital expenditure needed to resolve the facility needs against the recommended standards across all 36 counties is \$843 million. The lowest needed is \$1.2 million for the Deschutes County Courthouse, and the most is \$209 million for Multnomah County Courthouse.
- As governmental revenue resources continue to fall farther and farther behind demand, undefined needs such as circuit court facilities are not even on the table. While today it is unlikely that the State of Oregon will be able to assume responsibility for court facilities in the future or that local government will be able to address such demand on its own, the Interim Committee's study defines the problem and makes it a quantity that can be measured and ranked - the cost for safe, functional facilities for the circuit courts in Oregon is almost a billion dollars. With the report of the Interim Committee on Court Facilities, policy makers can now speak objectively about the scope of the problem; a good first step toward finding a solution.
- The Judicial Administration Committee will continue to monitor "court facility" issues through the 2009 legislature, and the work of all interim committees considering this issue following that session.
- In the last four meetings of the year the committee began to review the changing nature of judicial processes. This discussion began by looking at documents produced by the National Center for

State Courts and the Institute for the Advancement of the American Legal System on the declining rate of civil actions closed by a jury trial and the reasons for the drop. Some view this trend as a cause for concern; while the jury trial thrives on the criminal side, fewer civil jury trials means fewer attorneys who have experience in such trials and fewer judges coming to the bench with experience trying major civil litigation.

- In its analysis of this phenomenon, the committee identified three variables which may be co-contributing to the move away from the use of jury trials in civil actions and which are, for the second and third variables, also changing how judges view their role. The first variable reflects the research of others; the cost of preparing a civil action for a jury trial is spiraling higher as discovery costs grow exponentially under new standards for electronically stored information and the trial presentation of evidence becomes more elaborate as complex economic and scientific processes and facts require experts and elaborate presentations to break the complexity down into simpler ideas that can be comprehended by a juror drawn at random from a community.
- Second, contributing to the decline of the number of civil jury trials is the Oregon Judicial Department's strategic decision to support multiple means for appropriate dispute resolution. In this dispute resolution service delivery model, the parties have several alternatives to resolve their dispute other than in traditional jury trial litigation. All of the alternatives to using a jury trial, including judicial settlement conferences, are less costly for preparation, and have less risk. With the exception of an actual court trial, when most of these alternative processes to a jury trial are used, the outcome is either a mutually agreed negotiation or a non-binding result which permits continuation to trial or an appeal and trial de novo before a circuit court judge. In the implementation of appropriate dispute resolution in the Oregon Judicial Department, judges have become a central resource for informal dispositions through the "judicial settlement conferences" available or required in many circuit courts. As a part of this change, many judges perceive their role in a broader context than "trial judge" and support parties to reach a mutually determined, non-trial resolution of the dispute.
- The third variable which is having an impact on jury trial frequency and on judicial process is the growing number of self represented litigants. While

self represented litigants are the rule in Small Claims, the number is growing in Residential Forcible Entry and Detainer actions and in Domestic Relations actions. The Oregon Judicial Department estimates that in 75 percent of domestic relations actions, at least one party is self represented. As the expense of legal representation continues to rise, more people are moving into self representation before the circuit courts and filing or responding in their own civil litigation. The presence of one or more self represented parties in an action changes the dynamic of how parties interact and the judge's role becomes one of teacher as well as determining the law; in civil actions, few of these cases go to jury trial, at present. A collateral consequence of the emergence of greater numbers of self represented litigants is the proposal for a civil right to counsel in certain types of actions. This idea is beginning to emerge at the national level, and was recognized in Oregon, beyond the criminal and juvenile subject matters, in a very limited ruling in *Zockert v. Fanning*, 310 Or 514 (1990), which established a right to counsel, if financially qualified, in contested adoption cases.

- The decline of civil jury trials and the changing nature of judicial practices as the profession adjusts to the increasing cost to represent a client in a civil jury trial, the increasing availability of other forms of dispute resolution, and the growing number of self represented parties' merits further inquiry by the committee in 2009.
- The committee considered the question of whether Oregon should establish an identified court to adjudicate issues regarding rights to surface and ground water. In 1961, Oregon became the first state in the nation to establish a court of statewide jurisdiction to adjudicate state and local tax disputes, the Oregon Tax Court. Whether there is now a need for a similar institution to be established for the adjudication of rights to water, an Oregon Water Court, probably is a timely question –several states have created "water courts," but one that may be managed best by those with subject matter expertise in the fields of natural resource law and administrative law. It does also, however, go to the heart of judicial administration – the structure of Oregon's state court system. The JAC will monitor, but not actively work on this issue in succeeding years

Recommendations for 2009:

The JAC should continue to monitor legislative action in 2009, especially as it relates to judges and judgeships,

court facilities, court structure, judicial compensation, and the appropriations for the Judicial Department, Public Defense Services and the Council on Court Procedures operations in the 2009-11 Biennium. In the present fiscal environment, it is especially important to monitor closely the appropriation process.

In addition, the JAC should continue to do the following:

- Track the implementation of the Chief Justice's Oregon eCourt Program
- Monitor the rules and laws which develop around eFiling and eService and suggest amendments when necessary and permitted by the Board of Governors.
- Continue discussions and study of the changing nature of judicial processes in civil actions - the decline in civil jury trials, the culture of appropriate dispute resolution and its impact, and the growing presence of self-represented parties. A report of findings may be a product of such an effort.
- Continue to Monitor Treatment and Problem Solving Courts
- Work on its website

Respectfully submitted: Douglas Marion Bray (CH), Ann S. Christian (SEC), Russell L. Baldwin, Christopher Cauble, Jennifer L. Gates, Harl H. Haas, Steven M. Lippold, Matthew J. Lysne, Jean Kerr Maurer, Charles J. Paternoster, Kirsten Meredith Snowden, John L. Svoboda, Jaye W. Taylor, Eric J. Waxler, Richard Moellmer (PM), Audun (Dunny) Sorensen (PM), Ann L. Fisher (BC), Susan Evans Grabe (BL).

Legal Ethics Committee

Activities and accomplishments:

We worked on pending requests for opinions, and forwarded two to the Board of Governors.

Matters considered/pending:

The Board of Governors declined to adopt our recommended Opinion regarding out-of-state attorneys in Oregon arbitrations, instead requesting that the Committee recommend changes to the applicable Rule. We also are completing work on a proposed opinion on judges applying for or negotiating for employment with the Department of Justice.

Recommendations for 2009:

The Committee will continue to work on its pending projects and will respond to new requests for opinions.

Respectfully submitted: Harry Michael Auerbach (CH), Ethan D. Knight (SEC), Carolyn Alexander, Stuart M. Brown, Victor Calzaretta, Deanna L. Franco, Michele Grable, Guy B. Greco, Kurt F. Hansen, Jet Harris, Dana C. Heinzelman, Holli K. Houston, William H. Replogle, Yvonne Ana Tamayo, Brenna Tanzosh, Stephen V. Piucci (BC), Sylvia E. Stevens (BL).

Legal Heritage Interest Group

Activities and accomplishments:

During 2008, the Legal Heritage Interest Group scheduled and held four regular business meetings.

Each meeting featured a speaker on Oregon legal history as well as conducting regular business.

Attorney Fred Granata gave a speech on 19th century attorney/judge/poet Joaquin Miller at our first meeting.

At the second meeting, Gloria Myers in period costume gave a talk on/as early 20th Century Portlander Lola Baldwin, the first woman in the United States to receive a police badge. Mrs. Baldwin was also instrumental in setting up family court in Multnomah County.

For the third meeting in June, the group met at the McLoughlin House in Oregon City and got a guided tour of the home and life of Dr. John McLoughlin, the "Father of Oregon."

The fourth meeting in October was at the new Oregon State Bar Center. Fred Granata gave a talk on Justice James Brand, and Oregon jurist at the Nuremberg Trials.

In addition, Chairman Janet Kreft and Fred Granata were both asked to give talks on Oregon legal history at the two receptions celebrating the opening of the new Oregon State Bar Center in early 2008.

Matters considered/pending:

A major project of the group was (and remains) the "Members Room" at the new OSB Center. In communication with Karen Garst, the group has assisted in furnishing a period room resembling a lawyer's office of the 1930's. The family of Frank Hilton, Jr. donated period office furniture. Different attorneys donated leatherbound legal periodicals, a 1938 Bar Directory, and other documents. The members chose photographs of Oregon Courthouses for the walls; the OSB design department is currently framing them. The Bar purchased reproduction bookcases and a new rug. A black notebook describing the provenance and background of the donated items was prepared.

Recommendations for 2009:

Maiya Hall will be the new Chair. Bill Chinn will be the new Secretary.

A CLE is planned for late spring 2009 featuring Fred Granata's talk on Justice Brand.

The Members Room will be a topic for an upcoming article in the OSB Bulletin.

We will continue to market the remaining copies of Serving Justice.

The subcommittee on "Legal Professionals of Color Timeline" will continue.

Respectfully submitted: Janet D. Kreft (CH), Maiya H. Hall (SEC), Bill Y. Chin, Jack Gore Collins, Mary Crawford, Betty I. Crofoot, Sandijean Fuson, Andrew N. Harris, Randall B. Kester, Samuel J. Kuzma, S. Diane Rynerson, Jacqueline A. Tommas, Anthony H B Wilson, Owen M. Panner (ADV), Bette L. Worcester (BC), Paul Nickell (BL).

Legal Services Committee

Activities and accomplishments:

The Legal Services Committee met twice in 2008. Both meetings were by conference call. The committee forwarded a recommendation to the BOG regarding disbursing \$350,000 of the \$700,000 General Fund Appropriation awarded to legal aid during the 2007 legislative session. The committee also made a recommendation to continue funding Columbia County Legal Aid with a peer review scheduled in 2009.

Matters considered/pending:

Regarding matters considered please see the above paragraph. One matter still pending is approval of the disbursement of the remaining \$350,000 General Fund Appropriation being held by the bar.

Recommendations for 2009:

At some point, hopefully in the near future, the restrictions on the federal Legal Service Corporation funds will be lifted. The committee will need to review the LSP Standards and Guidelines and funding to providers in light of the fact that a dual system no longer needs to exist to provide a full array legal services to low-income Oregonians.

Respectfully submitted: Bob Turner (CH), Beverly C. Pearman (SEC), Marva Fabien, Scott G. Seidman, Samuel E. Tucker, Francisco J. Yraguen, Ron Chase (PM), Celeste Ulrich (PM), Debra FJ Lee (ADV), Thomas J. Matsuda

(ADV), Holly Pennock Barbour (ADV), Ralph Saltus (ADV), David Thornburgh (ADV), Theresa L. Wright (BC), Judith Baker (BL).

Loan Repayment Assistance Program

Activities and accomplishments:

- The committee revised the policies and procedures applicable to the award of forgivable loans.
- The committee established grievance procedures.
- The committee communicated the availability of the forgivable loans through a variety of means.
- The committee met in executive session to review the applications and determine the awardees. Factors considered by the committee in awarding the forgivable loans were:
 - Financial need;
 - Educational debt to income ratio;
 - Type and location of work;
 - Demonstrated commitment to public service;
 - Assistance from other loan repayment assistance programs; and
 - Financial information, in addition to salary, such as: Income-producing assets; Medical expenses; Child care expenses; Child support; and Other appropriate financial information
- The committee awarded \$5,000 forgivable loans to seven of the applicants. The participants had an average debt of \$129,857, with an average salary of \$35,538. The loans are renewable for up to two additional years, provided the applicants continue to meet the requirements of public interest employment, proof of good standing on loan payments, and proof of outstanding debt.

Matters Considered/Matters Pending:

The committee reviewed the policies and procedures and changed the salary maximum to \$50,000. The committee will continue to review the federal College Cost Reduction and Access Act (CCRAA), signed into law in September, 2007, to determine if and how the LRAP should change in response to the law.

Recommendations for 2009:

- The committee should continue to monitor the CCRAA.

- The committee should continue to market the availability of the loans.
- The committee will evaluate the current awardees to determine their compliance with the guidelines, and ensure that loan forgiveness or enforcement occurs per the guidelines.
- The committee and bar staff will publicize the availability of the loans and ensure that those attorneys serving the public are aware of the loans.
- The committee will evaluate the 2009 applicants and decide who will be awarded loans, using the guidelines as set forth above.
- The committee will determine whether any policies need revision.

Respectfully submitted: Tim Gerking (CH), John Connors, Jessica Cousineau, Maya Crawford, Linda K. Eyerman, Heather Kemper, Merv Loya, Dan Norris, Terry Wright, Catherine Petrecca (BL).

MCLE

Activities and accomplishments:

- The Committee reviewed and made decisions on requests for review of MCLE administrator decisions.
- The Committee continued to develop expertise regarding the MCLE programs in Oregon offered by MCLE providers other than the Oregon State Bar.
- The Committee made recommendations concerning changes to several of the MCLE rules.

Matters considered/pending:

This committee held four meetings during the 2008 calendar year. These meetings were held on March 7th, June 20th, September 5th, and December 12th. A brief overview of matters considered is provided below.

In January, prior to the date of the first meeting scheduled for 2008, email correspondence was exchanged between several members of the committee concerning blog postings by an attorney who had been denied CLE credits at the last (12-07-2007) session of the MCLE committee. The committee determined that no additional action nor review of the prior action by the committee was merited.

March 7, 2008

The Committee reviewed a request for the waiver of the late fee penalty for the failure to comply with the MCLE requirements in a timely manner as required by the OSB rules.

The Committee appointed one of its members to the Oregon State Bar executive director search committee.

The OSB liaison to the Committee updated the committee as to the implementation of the Access to Justice MCLE requirements.

June 20, 2008

The Committee reviewed one request for review for the accreditation of a personal management seminar.

The Committee reviewed one requests for review for MCLE credit earned as a result of teaching activities.

The Committee reviewed one request for review for credits claimed for attendance at the USC 2008 Tax Institute.

September 5, 2008

The Committee reviewed two requests for review concerning the accreditation of a legal seminars.

December 12, 2008

The Committee reviewed one request for review for the accreditation of a personal management seminar.

The Committee reviewed proposed amendments to MCLE Regulation 5.300 and proposed recommendations be forwarded to the Oregon State Bar Board of Governors.

The Committee discussed MCLE committee income statement for the ten months ending October 31, 2008.

Ms. Karen Garst provided a detailed explanation concerning the thought process leading to the adoption of the modification to MCLE Rule 5.700 which concerns viewing credits for Oregon State Bar sponsored CLE seminars.

The committee considered requests for review of the MCLE Administrator's decisions from the following people/entities:

March 7, 2008

Douglas Wyatt

June 20, 2008

Michael Shenker

John Bradach

Neil Jorgenson

September 5, 2008

Oregon Department of Justice (program sponsor)

Amy Green (program sponsor)

December 12, 2008

Oregon Attorney Assistance Program/Professional Liability Fund

Recommendations for 2009:

In the year ahead the committee will continue to assist the MCLE administrator with the evaluation of requests for review of the administrator's decision concerning CLE accreditation and earned credits by program providers and Bar members.

The committee will seek clarification of its role concerning the review of MCLE Department budget/financial information presented to it.

Other Comments:

Several committee members are closely monitoring the OSB BOG decision to adopt the changes to MCLE Rule 5.700 and may forwarded individual observations to the OSB Board of Governors.

The committee chair expresses his thanks to Ms. Cline, MCLE administrator, for her invaluable assistance to the committee throughout the past year.

Respectfully submitted by: Michael D. McNichols (CH), Jennifer L. Niegel (SEC), Joseph M. Charter, Saville W. Easley, Cindy Hunt, Max Rae, Stace B. Gordon (PM), Carol DeHaven Skerjanec (BC), Denise Cline (BL).

Pro Bono Committee

Activities and accomplishments:

The committee met 11 times this year. Meetings were held on the third Tuesday of the month at the noon hour at the offices of David Peterson Committee Secretary.

SUBCOMMITTEES

Emeritus Attorney Subcommittee:

This subcommittee was tasked with drafting and submitting a proposed new admissions rule to allow out-of-state attorney's who retire to Oregon to do pro bono work in Oregon. The result is Admissions Rule 17.05. In short, the rule will allow an attorney who has actively practiced law in another state for at least 15 years to apply for admission to the Oregon State Bar as an "Active Pro Bono Attorney."

The Access to Justice Committee of the Board of Governors approved the proposed rule and forwarded it to the Board of Governors who approved the rule on July 18, 2008. The proposed rule was also presented to the Board of Bar Examiners in both June and November of 2008.

We are still awaiting a final vote from the Board of Bar Examiners but are hopeful that they will approve it and send it to the Supreme Court for formal adoption.

Aspirational Standard Subcommittee:

This subcommittee was tasked with drafting a recommendation to the Board of Governors and House of Delegates to replace the bar's current pro bono Aspirational standard, found in Section 13.1 of the OSB Bylaws in favor of the Aspirational Standard found in ABA Rule 6.1 and to move it out of the Bylaws and into the Oregon Rules of Professional Conduct.

The subcommittee finalized a draft proposal for a rule change and submitted it to the Board of Governors on July 18. After a vigorous debate among members of the Board of Governors, the proposed changes were voted down.

Law School Involvement Subcommittee:

This subcommittee was tasked with making contact with the three Oregon law schools to see where our committee might collaborate, support and encourage their pro bono efforts. After talking to representative's at all three schools, the subcommittee decided to focus its efforts on Willamette Law School, as they are the only law school that does not have a staff person dedicated to pro bono. Willamette held two pro bono panels during their fall semester and will have a pro bono award ceremony in the spring.

The second project this subcommittee worked on was looking into a way to help pro bono lawyers connect with law students interested in helping them on pro bono projects. The committee determined that the best way to do this would be via an electronic bulletin board. They met with members of the OSB Information Design & Technology department which is currently reviewing the technology options available for this.

Judicial Involvement:

BeaLisa Sydlick, past Chair of the Pro Bono Committee continued her role as a liaison from our committee to the Judicial Code Revision Committee (a committee Chaired by Judge Ellen Rosenblum to among other things clarify the allowance of Judges to encourage pro bono). The Judicial Code Revision Committee voted to approve and recommend commentary language in Rule 2.2 clarifying the judicial role vis-à-vis self-represented litigants in the courtroom, the Committee also approved and agreed to recommend language in Rule 3.7 regarding judicial encouragement of pro bono publico legal services that had likewise been suggested by the SFLAC and the Bar's Pro Bono Committee. The Committee's recommendations will still need to go through the public hearing process, but it

is hopeful that the revisions to the Judicial Code will be made in 2009.

OTHER ACCOMPLISHMENTS

Multnomah Bar Association Pro Bono Pledge:

The OSB Pro Bono Committee had two liaisons to the MBA's Pro Bono Pledge Taskforce (Maya Crawford & Dave Petersen). This taskforce coordinated the first ever MBA Pro Bono Pledge. The Pledge encourages all attorneys in Multnomah County to commit to at least one pro bono matter during the year. In addition, law firms are asked to adopt a written pro bono policy (using the template designed by the OSB Pro Bono Committee last year) and encourage participation in the individual pledge. Both firms and attorneys are asked to financially support legal service organizations. In its first year, 35 law firms took the Pledge and 250 individual attorneys took the Pledge. Due to its success, the MBA has decided to make the Pledge an annual endeavor. For more information on the Pledge go to: <http://www.mbabar.org/probono.htm>.

Pro Bono Fair:

The OSB Pro Bono Committee once again collaborated with the ONLD Pro Bono Committee, MBA Young Lawyers Pro Bono Committee, and Legal Aid Pro Bono Committee to put on the 4th Annual Pro Bono Fair. This year's fair was held on April 15th at the Governor Hotel. The fair was comprised of two free CLE's (one on planning for incapacity and the other on advocating for immigrant victims of crime), a pro bono fair of providers looking for pro bono attorneys, and the Pro Bono Challenge Awards. Steven Wax was the keynote speaker and addressed the group on his experience representing detainees at Guantanamo Bay. Gerry Gaydos, OSB President Elect was the Master of Ceremonies. Over 100 people attended.

Equal Justice Conference RFP:

The Equal Justice Conference is a national conference put on by the ABA NLADA. The Equal Justice Conference brings together all components of the legal community to discuss equal justice issues as they relate to the delivery of legal services to the poor and low-income individuals in need of legal assistance. The emphasis of this Conference is on strengthening partnerships among the key players in the civil justice system. Pro bono and legal services program staff, judges, corporate counsel, court administrators, private lawyers, paralegals, and many others attend this event.

The Committee submitted two RFP's to the conference planners. The first proposal is on utilizing in-house counsel pro bono attorneys (Oregon was the first state to adopt

our in-house rule to allow attorneys barred in other jurisdictions to do pro bono and is a model for other states). The second proposal is on multi-jurisdictional pro bono practice and discusses utilizing in-house, emeritus, and federal practitioners as pro bono attorneys without necessitating them to take an additional bar exam.

Matters considered/pending:

Emeritus Attorney Subcommittee: Follow up with the Board of Bar Examiners regarding approval of proposed Admissions Rule 17.05 and attend public Supreme Court Meeting to answer any of their questions on adoption of the rule. Once passage of the rule is final the committee should work on advertising the new status as well as work on additional problem-solving around the matter of the \$250 BBX background check fee.

Law School Involvement Subcommittee: Follow up on the creation of the online pro bono bulletin board.

Equal Justice Conference RFP: Follow up with the ABA NLADA to see if one or both of our proposals were accepted. If so, additional work will need to be done in putting together the panelists (from multiple states and constituencies), written materials, etc.

Recommendations for 2009:

Aspirational Standard Subcommittee: Update and bring the proposal to the BOG and HOD again after additional education regarding the merits of the proposal.

Pro Bono Fair: The ABA is initiating "Pro Bono Week" to take place in October 2009. Rather than being held in the spring, the Pro Bono Fair will be moved and adjusted to be part of the National Pro Bono Celebration Week. The same four committee's including ours will be collaborating in this effort.

Respectfully submitted: Maya Crawford (CH), David J. Petersen (SEC), Dawn Andrews, Brandon A. Benson, Melissa Bobadilla, Shenandoah M. Bunn, Brien Joseph Flanagan, Bryan T. Hodges, Clay McCaslin, Janice R. Morgan, Matthew J. Rizzo, Bruce A. Rubin, Candice Ann Rutter, Kimberly K. Tucker, Vicki R. Vernon, Catherine L. Keenan (ADV), Kellie F. Johnson (BC), Catherine Petrecca (BL).

Procedure & Practice Committee

Activities and accomplishments:

During the 2008 Emergency/Special Session, the Procedure & Practice Committee monitored and reviewed legislative proposals that affect Procedure and Practice issues in Oregon.

- The Committee also reviewed issues brought before them for study which included the following:
- The Committee studied implementation of Chief Justice Order No. 07-055, imposing fees on civil motions. The committee compiled feedback on the new fees and implementation, which was presented to the Chief Justice.
- Upon the request of the Board of Governors, the Procedure & Practice Committee formed a subcommittee to study a 2007 House of Delegates Resolution. That resolution recommended a change to the law which would deem an action commenced as of the date of filing, rather than the date of service. The Procedure and Practice subcommittee issued a report and recommendation to amend ORS 12.020 and suggested changes to UTCR 7.020. The subcommittee report was adopted by the full Procedure and Practice Committee. The report was presented and approved by the Public Affairs Committee and Board of Governors. A bill draft (LC 1410) has been approved by the Committee, which will be introduced in January 2009.
- The Committee reviewed an ACLU proposal to repeal ORS 20.160, which holds an attorney who represents a nonresident plaintiff personally liable for any costs awarded by the court which the plaintiff fails to pay. It determined it would support such a proposal, and will request authorization to take a formal position from the Public Affairs Committee.

The Committee studied and commented upon the Oregon Law Commission Uniform Interstate Depositions Act, and monitored the Oregon eCourt initiative and the Tort Claims Act Task Force.

Along with the proposals submitted, the Procedure & Practice Committee has liaison assignments with the following groups: 1) Uniform Trial Court Rules (UTCR), 2) Council on Court Procedures (CCP), 3) Chief Justice's Civil Law Advisory Committee (CJCLAC), and 4) Oregon Law Commission. Each of these committees had meetings in which P & P members attended and participated.

Matters considered/pending:

The Procedure & Practice Committee will continue to monitor the progress of the Oregon eCourt project, the Oregon Tort Claims Task Force. As noted, it will request formal approval from the Board of Governors to support the ACLU proposal to repeal ORS 20.160, and will advocate in support of LC 1410 (re: commencement of action) in the 2009 legislative session.

The committee will continue to explore issues that affect the practice of law that arise out of the legislative process and case law. Furthermore, the committee will continue to provide liaison to the Council on Court Procedures, Chief Justice's Civil Law Advisory Committee, UTCR, and the Oregon Law Commission.

Respectfully submitted: John A. Schwimmer (CH), Mustafa T. Kasubhai (SEC), Anthony V. Albertazzi, Paul Bovarnick, Britney Ann Colton, Craig M. Cowley, Courtney C. Dippel, Justine Fischer, Andrew D. Glascock, Timothy W. Grabe, James E. McCandlish, David F. Rees, Glenn Wallace Robles, Michael (Mike) E. Swaim, Graham M. Sweitzer, Timothy C. Gerking (BC), Sally Ann LaJoie (BL).

Public Service Advisory Committee***Activities and accomplishments:***

Referral & Information Services: Advised on fee structure and referral panels for the Lawyer Referral Service; recommended strategies for recruiting attorney panelists to the Modest Means Program; studied feasibility of percentage fee funding for the LRS, resulting in a decision to propose such a model to the Board of Governors in 2009.

Public Education: Assisted in script revision and priorities for the Web-Law/Tel-Law service; explored options for making public education materials available in languages other than English within current budget constraints; advised on topics and distribution channels for the 30-Second Law School project; explored a You Tube video contest celebrating Oregon's sesquicentennial.

Respectfully submitted: Youlee Y. You (CH), Jessica L. Cousineau (SEC), Cheryl A. Albrecht, Wendy Chung, Martin M. Fisher, Jinnifer S. Jeresek, Dexter A. Johnson, Stephan K. Otto, Diane C. Rivera, Naomi Stacy, Melya Stylos, Douglas L. Tookey, Bruce Anderson (PM), Shelly Radmer (PM), Audrey T. Matsumonji (BC), M. Kay Pulji (BL), George D. Wolff (BL).

Quality of Life Committee***Activities and accomplishments:***

The Quality of Life Committee held eight meetings of the full Committee and four meetings of subcommittees during 2008. Portions of the first two meetings were spent creating and assigning goals for the year that were consistent with elements of the Committee's Charge. The Committee's goals and accomplishments for 2008 were as follows:

Goal:

Make at least one presentation to a law school audience concerning financial planning, alternative work schedules, and/or maintaining work/life balance.

Accomplishments:

The subcommittee organized and presented two panels this year: "Transforming the Practice of Law: Innovative Ideas for Work/Life Balance", on March 5, at Lewis & Clark Law School, and "Managing Law and Life", on November 3, at Willamette University College of Law. Both panels featured practicing attorneys who provided students with advice and insight on a range of work/life balance issues.

Goal:

- Submit articles for publication in the *Bulletin* or other Bar publication on three topics from among:
 - Planning career transitions in the practice of law,
 - Carving out new and more satisfying modes of practice,
 - Parenting tips that support work/life balance,
 - At risk behavior/burn-out signals in life and practice,
 - Benefits of mentoring to new and experienced attorneys, and
 - Sustainability in the daily practice of law.

Accomplishments:

The Articles Subcommittee published "Law and the Pursuit of Happiness: Fatness versus Fitness" by Douglas S. Sedwick in the Bar *Bulletin* of January 2008.

Erica C. Glaser authored an article, "Lawyer Moms and Dads Explore Child-care Options" in the Law and Life section of the June 2008 issue of the OSB Bulletin; this article received praise in the OSB Bulletin October 2008

issue, Letters section. Ms. Glaser's next article (a work in progress) looks at lawyers and career changes prompted by turning the big 4-0 (forty).

The benefits and barriers to the use of video conferencing technology (VCT) as a means to reduce transportation emissions among attorneys, prosecutors, and judicial practitioners is the subject of a draft article to be submitted by Kris J. Nelson, the Committee's public member, to the *Bulletin*. The editor is interested in a follow up piece on how legal professionals are incorporating VCT into their practices and overcoming barriers to its wider use.

Dick Roy's article, "Shifting to a Sustainable Future," which addressed sustainable options for attorneys was published in the Feb/March 2008 OSB Bulletin.

Walter L. Cauble has worked with Doug Querin and Mike Long of OAAP to develop articles and CLE sessions on "succession within the firm." The OAAP has been offering workshops and CLE's about retirement/transition, and may do so again with a slightly different focus, given the release of Mike Long's recent book on the subject.

Goal:

Update and maintain the Quality of Life website.

Accomplishments:

Theodore P. Heus maintained and updated the Committee website through the course of the year. Recent changes to the Bar website, however, no longer provide links to committee websites when committees are referred from the Bar homepage.

Goal:

- Develop a workshop/CLE that allows attorneys to explore the concepts of sustainability in their work and personal lives.
- Accomplishments:
- After identifying speakers and topics, we learned that Sections, not Committees, sponsor CLE's. Additionally, our principal speaker requested a stipend and we have no budgeted funds with which to pay such a fee.

Goal:

Work with at least two other Bar or legal professional organizations in exploring the application of sustainable principles to areas of practice.

Accomplishments:

As research for the *Bulletin* article on the use of video conferencing technology, we surveyed the eight OSB Sec-

tion Chairs about the usefulness, barriers, and drivers of the technology in this area of law practice.

Debra Trant worked extensively with the Environment and Natural Resources Section as well as with Oregon Lawyers for a Sustainable Future to develop the Committee's recommendation to the BOG on "sustainability and the practice of law in Oregon," which recommendation was adopted on November 15, 2008.

Goal:

Coordinate with practice area efforts in reviewing administrative rule changes that could reduce auto miles.

Accomplishments:

Research for Kris Nelson's article on video conferencing technology (VCT) included review of state Workers Compensation administrative rules for possible revision to enable appropriate use of VCT as well as a survey of the practices of seven other sections.

Matters considered/pending:

The Committee intends to continue working in all areas of its current Charge and is not asking for any additions or other changes for next year.

Deborah Trant will be the QOL nominee to the Sustainability Task Force and will receive support from Kris Nelson and others on the Committee next year.

Erica Glaser has an article underway regarding the challenges of becoming a 40-something lawyer.

Walter Cauble will continue to work with Doug Querin and Mike Long of OAAP to develop articles and CLE sessions on "succession within the firm."

Kris Nelson will continue developing one or more articles on the possible benefits of using VCT more extensively in the practice of law.

We will need to work with the Bar webmaster to re-establish links for our Committee page to the Committee website.

Recommendations for 2009:

We recommend that all current elements of our Committee Charge remain intact for 2009.

Respectfully submitted: James H. Curtis (CH), Ellen K. Jones (SEC), Walter L. Cauble, Erica C. Glaser, Jared S. Goff, Theodore P. Heus, Douglas Scott Sedwick, Cassandra SkinnerLopata, Deborah Grace Trant, Kris J. Nelson (PM), Douglas S. Querin (PLF), Kathleen A. Evans (BC), Stacy J. Hankin (BL).

State Lawyers' Assistance Committee (SLAC)

Activities and accomplishments:

During 2008, the committee received approximately 7 new traditional referrals from attorneys, judges, the SPRB, and members of the public. Each referral was investigated in accordance with the OSB Bylaws and the SLAC authorizing statute, ORS 9.568. The committee continues to accept jurisdiction and to monitor remedial programs for several attorneys. Much of the business conducted by the committee involved confidential discussions surrounding these cases. Those confidential discussions cannot be revealed in this report.

Additionally, the committee evaluates and monitors lawyers who are referred from Disciplinary Counsel's Office (DCO) as part of the conditional admission/reinstatement and diversion/probation process. The number of these types of cases that were referred to SLAC for monitoring has increased from years past. In 2008, the Committee took on the role of monitor for one lawyer who was conditionally admitted, one lawyer who was conditionally reinstated, and one lawyer who was placed on diversion.

In order to encourage and expand its role in monitoring for cases involving DCO, the SLAC chair and secretary met with disciplinary counsel to discuss DCO's expectations for monitoring. Further, SLAC developed a training/orientation session for all current and new SLAC members which will be held for the first time on January 22, 2009.

In 2007, the Board of Governors (BOG) appointed an OSB/PLF task force to discuss ways to encourage greater communication and cooperation between SLAC and the Oregon Attorney Assistance Program (OAAP). The OSB/PLF task force submitted a final report which was accepted by the BOG in May 2008. In order to implement some of the recommendations of the task force, SLAC proposed amendments to Article 24 of the bar bylaws. Those amendments were adopted by the BOG in November 2008.

Recommendations for 2009:

Continue to look for and implement improvements to the SLAC monitoring process such that SLAC becomes a reliable and skilled resource for monitoring agreements between impaired lawyers and DCO.

Continue to improve communication and cooperation between SLAC and OAAP.

Continue to seek creative ways to help impaired lawyers and protect the public.

Respectfully submitted: Ted E. Grove (CH), Laura B. Rufolo (SEC), Henry C. Breithaupt, Tracey Cordes, Sara D. Couch, Diane L. Grover, Gregory J. Hazarabedian, Michael C. Lewton, Robert M. Lusk, Stephen J. Williams, Shane Haydon (PM), Donald Muccigrosso (PM), Meloney Crawford Chadwick (PLF), Douglas S. Querin (PLF), Gina Anne Johnnie (BC), Helen M. Hierschbiel (BL).

Uniform Civil Jury Instructions Committee

Activities and accomplishments:

The committee accomplished a great deal. We finally have a User's Guide to include, similar to that in the Criminal Instructions book. We redrafted all of the punitive damage instructions; created a brand new introductory instruction (to the entire venire panel); shortened and simplified the standard introductory instructions; and also created a couple new series' of instructions including domestic animal liability and trespass to land. Finally, we rewrote the basic burden of proof instructions, including a new instruction on Clear & Convincing Evidence.

Matters considered/pending:

The committee will need to revise the new punitive instructions as that area of the law is changing rapidly. It may also work with some of the language from the burden of proof instructions. There are also instructions that this year's committee simply did not have time to address. Among those are a couple of Landlord-Tenant instructions that may need substantial revisions – this year's group simply pointed out this possibility in the comments.

Recommendations for 2009:

Next year's group has plenty of work. There are instructions that we did not reach and others that will undoubtedly be submitted. Linda Kruschke, bar staff liaison, keeps a running spreadsheet of instructions for the committee to address.

In addition, I would like to see the committee (and the nominating cmte) work to recruit a new judge to this committee as I believe at least one of our current judges will be leaving at the end of 2009.

Any other comments:

The group is in great hands with its new chair and secretary. Linda Kruschke is immensely helpful and does a great deal of the work associated with responsibilities of the chair. They will be fine next year.

Respectfully submitted: Thomas A. Melville (CH), Katherine Heekin (SEC), Steven C. Burke, Barry J. Goehler, Michael B. Hanifin, Kathleen Hansa Rastetter, Tracy M. McGovern, Laura TZ Montgomery, Jenny M. Morf, Cynthia Furrer Newton, Susie L. Norby, Rick Pope, Charles Robinsonowitz, Thomas M. Ryan, Timothy L. Williams, Stephen V. Pucci (BC), Linda L. Kruschke (BL).

Uniform Criminal Jury Instruction Committee

Activities and accomplishments:

In 2008 the committee drafted and approved jury instructions for the new crimes of Online Sexual Corruption of a Child in the First and Second Degree, Furnishing Sexually Explicit Material to a Child, Luring a Minor, Organized Retail Theft, Aggravated Identity Theft and Aggravated Vehicular Homicide. In addition, the committee approved new instructions for venue and Assault in the First Degree involving the operation of a motor vehicle while under the influence of intoxicants.

Matters considered/pending:

The committee spent a considerable amount of time drafting and approving a set of jury instructions for the sentencing phase of trials based on *State v. Ice*, 343 Or 248, 170 P3d 1049 (2007), *cert. granted*, 128 S Ct 1657 (2008). On January 14, 2009 the US Supreme Court reversed *Ice*, finding that a jury determination is not required for the imposition of consecutive sentences by the court. Therefore, it was agreed upon by the committee to delete the series of instructions based on *Ice* from the 2008 supplement prior to publication.

Recommendations for 2009:

In 2009 the committee will conduct a revision of the Uniform Criminal Jury Instructions.

Respectfully submitted: Sheryl Bachart (CH), Timothy A. Sylwester (SEC), David J. Celuch, Nancy J. Cozine, Erika L. Hadlock, Bronson D. James, Joanna Jenkins, Jeffrey M. Lowe, Rachel N. Marshall, Ricardo J. Menchaca, Christopher R. Piekarski, Gregory F. Silver, Sara Snyder, Heather L. Weigler, Youlee Y. You, Dean P. Land (BL).

Unlawful Practice of Law Committee

Activities and accomplishments:

The Unlawful Practice of Law Committee (UPLC) met

every month during 2008, except for August, to discuss UPL issues, present the findings of Committee member investigations, and recommend action based on those findings. Actions that the UPLC may recommend on UPL complaints are: 1) dismissal; 2) notice letter; 3) admonition letter; 4) cease and desist agreement; or, 5) prosecution for injunctive relief. The prosecution and signed cease and desist agreements must be approved by the Board of Governors. As in prior years, the UPLC saw a variety of complaints including multi jurisdictional practice by lawyers licensed in other states, professionals in law related fields such as accounting, tax advice and financial services, debt collectors and document preparers.

The UPLC is slated to have as many as 21 members. After several resignations in late 2007 and during 2008, the UPLC decided to fill only 19 of the positions, such that the committee was comprised of 15 attorney members and 4 public members. With 21 members, the committee experienced problems meeting the quorum requirement. In addition, several committee members believe that it would be better to have a somewhat smaller committee comprised of members committed to the UPL cause rather than a larger committee with several uninvolved members.

Several UPL committee members participated in a discussion group concerning out-of-state lawyers who set up offices in Oregon but maintain that they only practice the law of the state in which they are licensed ("OOSL Discussion Group"). This group is exploring the development of a unified approach by different departments at the bar to these lawyers' activities. The group is also exploring whether rule changes are necessary to recognize and accommodate the increasing globalization of law practice.

Matters considered/pending:

The UPLC received 45 new complaints of UPL in 2008. Additionally, at the beginning of 2008 we had approximately 37 cases still open from 2006 and 2007. Throughout the year we reduced these old cases by 27 and closed another 20 cases that were received in 2008, closing a total of 47 cases for the year. Of these, 24 cases were dismissed, 8 were sent a notice letter, 11 were sent an admonition letter, 3 cease and desist agreements were successfully negotiated, and 2 injunctions were obtained. In addition, the committee approved the negotiation of cease and desist agreements in 6 cases and approved prosecution in 5 cases. These 11 cases remain open and pending. By the end of 2008, the UPLC had 2 pending investigations from 2006, 7 from 2007 and 15 cases from 2008.

Recommendations for 2009:

The UPLC has played a vital role in protecting the public from those who would practice law in Oregon without a license. One issue that continues to plague the UPLC is the aging of cases. Many times cases are 1 or 2 years old before they are resolved. Although the UPLC is improving in this regard, we still need to do a better job of achieving timely disposition of cases. The UPLC should also continue to participate in the OOSL Discussion Group.

Respectfully submitted: Alan K. Brickley (CH), J O'Shea Gumusoglu (CH-Elect), Frederic E. Cann (SEC), C Lane Borg, Michael L. Connolly, Oscar Garcia, Matthew A. Goldberg, Roland A. Johnson, Matthew C. McKean, Jane E. Mopper, Clayton Huntle Morrison, Mary A. Overgaard, Todd M. Siegel, Ronald M. Somers, Simon Whang, Lisa J. Douglass (PM), Joseph M. Fabiano (PM), Dean Dailey Hollomon (PM), Deanne Snedeker (PM), Theresa L. Wright (BC), Helen M. Hirschbiel (BL).

SECTIONS

Administrative Law Section

Activities and accomplishments:

The Executive Committee met regularly during 2008 to discuss, establish, and guide the section's activities.

Since its inception in 2000, the section has provided educational materials and programs for lawyers and administrative law judges. This year the section turned again to updating *Oregon Administrative Law*, a comprehensive administrative law text. This text has a special focus on issues of interest to private practitioners in order to augment the Attorney General's manual, rather than reiterating its focus. The project is spearheaded by Steve Schell and Chris Cauble. The revision is slated for publication by the Oregon State Bar's Continuing Legal Education program in 2010.

The section's goal of improving the practice of administrative law continued with our efforts to provide better access to crucial public records. To aid practitioners in finding and using agency precedent, the section began work with the Oregon State Bar to publish agency final orders in Casemaker. The goal is to provide a more effective way of finding and searching agency decisions. The section will continue to work on ways to make access to agency decisions efficient and cost-effective.

The section continued to provide a newsletter for its members. We published the section's first newsletter in July 2000. Since then, the newsletter has been published on a quarterly schedule. The newsletter has highlighted new developments in administrative law and has provided a forum for members to communicate about administrative law issues. The section has received many accolades for the quality of its newsletter, which is published through the Oregon State Bar's Information Design Services and the hard work of the Editorial Board and other contributing authors.

The section's website was operational in June 2000. The website continues to link users to relevant law and government agencies, provides access to prior newsletters, and gives background and current information about the section's activities.

This year the section established a list serve for members who wish to exchange insight and expertise regarding administrative law issues. The list serve will allow members to share information with each other about agencies' practices and procedures and the latest issues

developing in our practice area. The list serve is intended to be yet another tool for improving the practice of administrative law for our members.

The Legislation and Rules Committee was established to provide law improvement recommendations to the Executive Committee and to assist the Oregon State Bar's public affairs activities. The committee is chaired by Frank Mussell. The Legislation and Rules Committee has monitored the Oversight Committee for the Office of Administrative Hearings. We have actively engaged in outreach to stakeholders in the administrative justice system to ensure that valuable insight into issues could be shared in a cooperative and productive manner. Section members continue to provide information to the legislature at the request of its interim committees.

Our section is composed of current and former public servants and private practitioners who regularly engage with public servants. Consequently, since its inception, the section has created opportunities to enhance networking with public officials and allow members to participate in events having a significant impact on the practice of administrative law. Other members of the bar and the larger community affected by administrative law also have also been included in these events. True to its history, the section engaged in networking events in 2008. Prior to the 2008 Primary, the section hosted a debate between the candidates for Oregon Attorney General. The debate was videotaped by the Oregon State Bar's Communication Services for televised broadcasting. As part of its annual business meeting on October 2, 2008, the section hosted a reception for lawyer candidates, and their opponents, who were seeking state public office at the 2008 General Election.

Budget:

The section continued to show fiscal responsibility and will end 2008 with a small surplus. The Executive Committee has developed a balanced budget for 2009, based on the section's projected revenue, actual expenditures in 2008, and proposed activities in 2009.

Legislative issues:

Since its creation, the section has been engaged in legislative activities that balance an agency's need to set policy, the need for efficient and cost-effective proceedings, and the need for even-handed process and procedures that ensure a fair hearing and enhance the public's confidence in the administrative justice system. Accord-

ingly, the section has supported legislation on the following issues:

- The Office of Administrative Hearings to ensure that contested case hearings are conducted by an independent corps of objective, professional adjudicators;
- The right of a person subject to adverse agency action to discover information about their case prior to the hearing, with standards for discovery to be applied by objective administrative law judges, rather than by the agency staff prosecuting the case;
- Requiring due process before subjecting professionals to invasive mental and physical exams based on mere accusations and without the ability to provide rebuttal evidence;
- Curtailing an agency's unilateral authority to assess its attorney fees, as well as its investigation and hearing costs, against someone requesting a contested case hearing because of the chilling effect this assessment has on the person's right and ability to request a hearing;
- The disclosure of *ex parte* communications made to agency decision makers to ensure that their decisions are based on information actually in the hearing record and on protected confidential legal advice, rather than on secret information provided by agency staff;
- Having even-handed procedural rules written by an impartial body, rather than having these rules promulgated by the agency's own attorney;
- Ensuring that agencies do not change findings of facts made by impartial administrative law judges trained in adjudication when the findings are supported by substantial evidence;
- Expanding final order authority for administrative law judges to improve the efficiency of the process while also protecting an agency's ability to determine agency policy.

Matters considered/pending:

The minutes for the Executive Committee meetings describe the matters considered by the Executive Committee. Matters still pending include participation in a water court study, if the study is authorized by the Oregon State Bar's Board of Governors.

Recommendations for 2009:

- The Administrative Law Section's future plans include:
- Publishing our newsletter on a quarterly basis and changing from a hard-copy format to an email format for the newsletter;
- Maintaining our website and list serve;
- Providing a CLE program in 2009 on new legislation;
- Updating *Oregon Administrative Law*;
- Making recommendations for law improvements in Oregon's administrative justice system;
- Supporting the development of a corps of highly-skilled, impartial, and professional administrative law judges;
- Providing forums for networking among members, public officials, and other interest groups involved in administrative law;
- Providing more efficient and cost-effective access to agency decisions.

Any other comments:

The Executive Committee wishes to express our sincere appreciation for the support provided by the Oregon State Bar's staff.

Respectfully submitted: Janice Krem (CH), Christopher Cauble (CH-Elect), Steve Rissberger (Past CH), Thomas E. Ewing (TR), Frank T. Mussell (SEC), Karen Ann Berkowitz, William J. Boyd, Thomas M. Cooney, Ann L. Fisher, Philip Alan Johnson, Jonathan M. Norling, Steven R. Schell, Irene Bustillos Taylor, Kellie F. Johnson (BC), David W. Nebel (BL).

Admiralty Section

Activities and accomplishments:

Members of the section met informally to consider taking on a project to assist in overhaul of the U. S. District Court's Local Admiralty Rules

Matters considered/pending:

See above.

Recommendations for 2009:

To schedule at least one lunch-hour meeting for discussion of case-law developments, in addition to an annual section meeting, and to move ahead on the local rules project.

Respectfully submitted: John R. Dudrey (CH), John J. Breiling (Past CH), M. Christie Helmer, Nancy R. Walseth, Kellie F. Johnson (BC), Sarah Hackbart (BL).

Agricultural Section

Activities and Accomplishments:

The Ag Section hosted a section "Round-Up" in The Dalles in May 2008. The Round-Up provided CLE credit and a wealth of information about the practical and legal issues surrounding wind and solar power site and permit activities.

Budget:

The Ag Section spent approximately \$3355 and took in approximately \$1770 in revenue in 2008. We donated \$1000 to Oregon Lawyers Against Hunger and \$1000 to Oregon Legal Aid.

Legislative Issues:

The Ag Section reviewed the proposal from Schroeder Law Offices concerning a water law court. It will host Ms. Schroeder and others at the December 12th meeting to discuss this matter in further detail.

Recommendations for 2009:

The Ag Section will host a Section Round-Up in 2009. This will transition the event into an annual event.

Respectfully submitted: Elizabeth Howard (CH), Timothy J. Bernasek (CH-Elect), David W. Smiley (Past CH), George L. Anderson (TR), Heath Curtiss (SEC), David M. Blanc, Joseph H. Hobson, Steven J. Joseph, Jesse D. Lyon, Andrew G. Martin, Lawrence B. Rew, Steven L. Shropshire, Charles K. Toole, Carol DeHaven Skerjanec (BC), Dani Edwards (BL).

Alternative Dispute Resolution Section

Activities and accomplishments:

A main focus of the Executive Committee this year was presentation of a CLE cosponsored with the bar: *Dispute Resolution from the Experts*. The CLE was held on September 19, 2008, at the Oregon Convention Center in conjunction with the section's annual business meeting. About 125 people attended. The annual business meeting was conducted during lunch, which the section sponsored. The following officers were elected to serve in 2009:

Chair:	Robert Banks
Chair-Elect:	Mary Deits
Past-Chair:	Alan McCollom
Treasurer:	Julie Gentili Armbrust
Secretary:	Lisa Amato

In addition, the section posthumously awarded its Sidney Lezak Award for Excellence in ADR to Bryan Johnston. Bryan was known to many in Oregon's ADR community, having served in the Oregon House, as interim director of Department of Human Services, and as interim president of Willamette University.

The Executive Committee made donations of \$500 to Campaign for Equal Justice and to Oregon Peacemaker's Conference, which brings hundreds of middle and high school students together every fall for interactive workshops and learning about non-violence and peace building in Portland.

Under the guidance of Bob Banks, the committee influenced a formal ethics opinion that interprets Oregon RPC 5.5. This work resulted in the BOG withdrawing its approval of a proposed ethics opinion concerning the scope of "temporary practice" by out of state lawyers. The Executive Committee was concerned about the impact of the proposed opinion as it related to unlicensed lawyers appearing in Oregon arbitrations that apply Oregon law.

Budget:

The Executive Committee agreed not to raise section dues for 2009.

Matters considered/pending:

The Section's website will be updated with helpful links and references related to ADR and will be maintained in 2009.

Recommendations for 2009:

The Section plans to communicate with county judges throughout state regarding availability of mediation for pending disputes including court-annexed mediation and maintaining lists of qualified mediators.

Respectfully submitted: Alan T. McCollom (CH), Mary J. Deits (CH-Elect), Cynthia M. Fraser (Past CH), Julie Gentili Armbrust (TR), Bryan W. Gruetter (SEC), Robert S. Banks, Scott Bellows, William J. Boyd, Donald Owen Costello, Bethany Evans, Jane Gordon, Kim Gordon, Rebecca H. Hiers, Helle Rode, John S. Thomas, Sharon A. Williams, O. Meredith Wilson, Nancy E. Hochman (ADV), Met Wilson (ADV), Robert L. Vieira (BC), Helen M. Hierschbiel (BL).

Animal Law Section

Activities and accomplishments:

We met our goals of establishing a section list-serv, blog, and website. We hosted a regional CLE on Animals in Disasters in partnership with the Washington State Bar Animal Law Section. Section members participated in two LegalLinks Cable TV shows.

Section Committees

Public Outreach (Jami Pannell) Including animal law clinics at humane societies, and Legal links cable television programs and brochures.

Professional Outreach (Laura Ireland Moore) Including brown bag CLEs, increased presence at Judicial conferences and DA conferences, and development of the section website.

Legislation (Scott Beckstead) Proposing new laws, revisions to existing laws, and commenting on proposed new laws before they are voted by the Legislature.

Animals in Disasters (Robert Simon) Participate in regional and national efforts.

Meetings

We held two executive committee meetings. One in Portland in April, and one in Newport in August.

Recommendations for 2009:

Survey to members and planning CLE for spring 2009.

Section Dues

Dues have been increased by \$5. Annual dues for the Animal Law Section will be \$15 for 2009.

Respectfully submitted: Laura J. Ireland (CH), Gregory P. Lynch (CH-Elect), Jami L. Pannell (TR), Robert S. Simon (SEC), Scott Beckstead, Amy L. Davidson, Pamela D. Frasch, Holly Anne Gibbons, Michael B. Gottlieb, Scott A. Heiser, Andrew N. Moore, Jeff Kurt Petersen, Bette L. Worcester (BC), Kay Pulju (BL).

Antitrust Trade Regulation Section

Activities and accomplishments:

The section held two well-attended CLEs this year. The first CLE was an update on the Unlawful Trade Practices Act. It was held on May 27 at the World Trade Center from noon to 1:30. Speakers included Drew Lianopoulos from the Oregon Department of Justice, Greg Chaimov of Davis

Wright Tremaine, and David Sugeran of Paul & Sugeran PC. The second CLE was held in connection with the Annual Meeting on November 20. Held at the Benson in the late afternoon, the CLE featured Attorney General-elect (now Attorney General) John Kroger. Andy Aubertine also presented an update of Ninth Circuit cases.

The section also added to its membership in 2008. Membership rose to a new high of 142, helped in part by the idea to offer registration for the Annual Meeting/CLE for free to new members.

Budget:

The section ended 2008 with a balance of \$5652, which represents an increase of about \$1300 over last year's balance. The size of the balance is explained in part by the CLEs being less expensive than the section budgeted and in part by the addition of 13 new members in 2008. The section's budget for 2009 will allow the section plenty of room to innovate and present engaging programs. The section's 2009 budget allows the section to incur about \$1000 in additional expenses for CLEs and the Annual Meeting/CLE for 2009 over the actual expenses incurred in 2008.

Legislative issues:

The section has not been asked to take, and is not taking, a position on any proposed legislation in 2009, but it will appoint a legislative liaison to follow the session and report on any bills of interest.

Matters considered/pending:

In 2008, the section considered adding case summaries of current local cases to its website and hiring law students to update the entries periodically. The matter is still under consideration.

Recommendations for 2009:

The section will likely have at least two and possibly three high-quality CLEs during 2009.

Respectfully submitted: Christina Beatty-Walters (CH), Kenneth Ray Davis (CH-Elect), Scott G. Seidman (Past CH), David L. Silverman (TR), Andrew E. Aubertine (SEC), Sarah J. Adams, Vincent F. Chiappetta, Kristin Lee Cleveland, Stephanie K. Hines, John F. McGrory, Chris L. Mullmann (BL).

Appellate Practice Section

Activities and Accomplishments:

The section set out to have at least 3-4 high quality CLE's this year, including a mix of lower cost/shorter CLE's on practical topics and an all day CLE on a major substantive topic. We believe we met our goals.

In May, Executive Committee Member Harry Auerbach put together a terrific nuts and bolts CLE on Ninth Circuit Practice called "Welcome to the Ninth Circuit." The Ninth Circuit sent several staff members from San Francisco, including Molly Dwyer (Clerk of the Court), Cole Benson (Supervising Deputy of Operations) and Margaret Corrigan (Ninth Circuit Mediator), to discuss procedural issues, such as motion and filing issues, and the settlement program. Harry and Kelly Zusman (from the United States Attorneys Office) provided Ninth Circuit practice tips. At the conclusion, Ninth Circuit Judge Randy Smith (from Idaho) and local Ninth Circuit Judges Edward Leavy and Diarmuid O'Scannlain shared insights and advice from the bench.

In July, the section co-hosted a free 90 minute CLE that was a recap of the past United States Supreme Court term. The tireless Harry Auerbach moderated. Executive Committee member (and former United States Supreme Court clerk) Jeff Dobbins, Department of Justice Appellate Attorney Janet Metcalf (who argued a Supreme Court case this year), and Supreme Court practitioner Scott Nelson (an attorney with Public Citizen's Supreme Court practice) provided a recap of the prior term and insights into the next.

In September, incoming Chair Judy Giers put together (for both the Section and the University of Oregon's O'Connell Conference) an all day CLE that discussed judicial independence issues and issues surrounding "popular constitutionalism," judicial review and legal theory. There were too many guests and speakers to name them all in this short report, but Judy put together a fabulous conference that included, among others, a Wall Street Journal reporter discussing the attack on the independence of the Pakistani Supreme Court, Oregon Chief Justice Paul DeMuniz and a judge from the Ukraine discussing judicial independence issues, Retired Justice Hans Linde, Stanford Dean Larry Kramer and a number of other academics.

In November, the section will host a \$10 brown bag CLE on the new electronic filing procedures in the Oregon and Ninth Circuit appellate courts. Attorneys and staff from those courts will provide help to members on the new procedures.

In addition to CLEs, we hosted the annual Sternwheel-

er social (also known by a few as the "booze cruise") in September. No OSB money went to pay for said booze so that part of the event was co-hosted by Klein, Hand & Ledesma (our own Walter Ledesma's firm) and Stoll Berne. We had great attendance from members and a number of judges.

Finally, we put out the third addition of our now annual Appellate Almanac and provided free copies to the entire section. There were great articles and information submitted by members, staff attorneys from the appellate courts, and appellate judges.

Budget:

We continue to be in a good financial position. We have intentionally "spent down" a lot of the excess reserves that we had been carrying over the past few years by subsidizing the food and boat for the social, the CLEs, and providing free copies of our annual Appellate Almanac. We also have not increased our fee membership (which stands at \$10) for years. We should end this year with a reserve of approximately \$3,500.

Legislative Issues:

The legislature was not in session and we have not prepared any proposed legislation for next session. The Bar also has not identified any important legislative proposals to date that should impact the appellate practice.

The ORAPs were amended and our representative Wendy Margolis kept us apprized of those mostly procedural changes.

Recommendations for 2009:

Our new chair Judy Giers plans to continue with the Almanac and focus on high-quality CLE's. We are looking at whether it makes sense to sponsor our own full-day CLE or continue to partner with the University of Oregon and the O'Connell Conference, which connection was primarily through Judy Giers, who ran the conference last year.

Respectfully submitted: Scott Shorr (CH), Judith Giers (CH-Elect), Walter J. Ledesma (Past CH), Wendy M. Margolis (TR), Jeffrey C. Dobbins (SEC), Charles F. Adams, Harry Michael Auerbach, Marc D. Brown, Meagan A. Flynn, Melanie Carole Hagan, Ryan P. Kahn, Lisa E. Lear, Thomas W. Sondag, Thomas W. Brown (ADV), M. Elizabeth Duncan (ADV), Keith M. Garza (ADV), Jacqueline L. Koch (ADV), James W. Nass (ADV), Jane Ellen Stonecipher, S. Ward Greene (BC), Julie Hankin (BL).

Aviation Law Section

Activities and accomplishments:

The Aviation Section meets at noon on the last Tuesday of each month at the Shanghai Noble House Restaurant at John's Landing in Portland. The section helped plan and conduct the annual Pacific Northwest Aviation Law and Insurance Seminar with the Seattle-King County Bar Association Aviation Section, which was held at Port Ludlow, Washington on October 10-12, 2008. The section contributed two speakers for the two-day conference. The seminar was a great success again this year due to the efforts of both the Aviation Section and the Seattle-King County Bar Aviation Section.

The 2009 Pacific Northwest Aviation Law and Insurance Seminar will be hosted by our section in either Sun River, Bend or Skamania.

The section again, for the third year, sponsored the Aviation Law class at Lewis & Clark Law School. Approximately eight of section members taught a two-hour class on various aviation law topics. Phil Rush, section member and past chairman, coordinated and led the course. The class was a great success. Many section members are pilots and are active with the Aircraft Owners and Pilots Association (AOPA) (400.00 members nationally) and the Lawyer Pilots Association, a national association of lawyers specializing in aviation law. Several members are also members of the AOPA Legal Panel, a service of AOPA for pilots and aircraft mechanics who are involved with the FAA in certificate actions.

The section hosts an annual summer hangar party and an annual Christmas party.

The section also discusses significant aviation accident cases at each of its monthly meetings. One member of the executive committee, on a rotating basis, is responsible each month for a presentation.

Budget:

The section's annual dues are \$20.00. There are presently 52 members so the annual budget is approximately \$1,000.00.

Legislative Issues:

The section maintains contact with the Oregon State Bar legislative coordinator in order to keep track of proposed legislation which affects pilots, aircraft owners, aircraft businesses and airports. The section has a designated legislative coordinator.

Recommendations for 2009:

Plan, coordinate, host and conduct 2009 Pacific Northwest Aviation Law and Insurance Seminar at Bend, Sun River or Skamania.

Plan, coordinate and conduct the Aviation Law course at Lewis and Clark Law School if requested by Lewis & Clark School of Law.

Increase section membership through advertising in the Oregon State Bar Bulletin.

Respectfully submitted: Thomas J. Flaherty (CH), Roderick A. Boutin (CH-Elect), Stuart W. Smith (Past CH), Timothy E. Miller (TR), Philip A. Rush (SEC), John R. Barker, Donald B. Bowerman, Jonathan M. Hoffman, Robert B. Hopkins, John C. Hutchison, Barbara Ann Jacobson, Steven L. Myers, David J. Sweeney, Christine Tracey, A. Richard Vial, Charles A. Sams (ADV), Martin Schedler (MEM Emeritus), Bette L. Worcester (BC), Sarah Hackbart (BL).

Business Law Section

Activities and accomplishments:

The Section's mission is to provide excellent service to the diverse group of business law practitioners throughout the State of Oregon by:

- providing regular, timely and useful information about the practice of business law
- promoting good business lawyering and professionalism
- fostering communication and networking among our members
- advocating improvement of business law
- supporting Oregon's business infrastructure and business community

The Section carried out that mission in 2008 through the activities of its Executive Committee and its subcommittees (described in the following paragraphs). The Executive Committee also received regular reports from, and provided feedback to, the Section's liaison with the office of the Oregon Secretary of State (Peter Threlkel, Director of the Corporation Division). The Section's listserve also played a significant role in serving the Section's members.

The Section's subcommittees are: Legislative Committee (chaired by Chris Hall with assistance from Candice Brown), Financial Institutions/Commercial Finance Committee (chaired by Clifton Molatore), CLE/Annual Meet-

ing Committee (co-chaired by Dean Alterman and Lori LeCheminant), Legal Opinion Committee (chaired by Jeff Cronn), Regional Outreach Committee (co-chaired by Paul Taylor, Sally Anderson-Hansell, and Patricia Chapman), Oregon Business Lawyer publication committee (co-chaired by Andrew Ognall and Ellen Theodorson), and Website Committee (chaired by Kevin Brannon and assisted by website administrator Carole Barkley).

The activities of the Legislative Committee are discussed below under the "Legislative issues" heading. The activities of the other subcommittees are described in the following paragraphs.

The Financial Institutions/Commercial Finance Committee began planning a lunch-time CLE covering foreclosure issues, to feature both lawyer and banker panelists, and hoped to co-sponsor a CLE with the Oregon Bankers Association; with the intervening meltdown in financial/banking/credit markets, those CLE activities remain on the drawing board for 2009.

The CLE/Annual Meeting committee planned and co-sponsored with the Bar a CLE on LLC and LLP issues; the Section's annual meeting took place at the lunch break of that CLE, following a lunch speaker.

The Legal Opinion Committee reviewed the "Statement on the Role of Customary Practice in the Preparation and Understanding of Third-Party Legal Opinions" that has been proposed and endorsed by several bar and practice area associations (approximately 20 have endorsed the statement); the Legal Opinion Committee believes that the Statement reflects current Oregon law on legal opinions and, upon the recommendation of the Legal Opinion Committee, the Executive Committee voted to approve the Statement.

The Regional Outreach Committee developed recruiting and nominating guidelines, which were approved by the Executive Committee, to assist the Section's Nominating Committee in recruiting members to serve on the Executive Committee. The guidelines seek to maintain a balance on the Executive Committee that as nearly as practicable reflects the broad constituency of the Section, consistent with Article VI, Section 8 of the Bar's Model Section Bylaws, which provide that "[t]he nominating committee shall use reasonable efforts to ensure that the members nominated reflect the diversity of the Section membership taking into account all relevant factors including without limitation practice area, office location, age, gender and race."

The Oregon Business Lawyer Committee worked on ways to revitalize the Section's newsletter publication. The Committee has considered establishing an editorial board

and, more importantly, to hire an editor (and possibly an assistant editor), particularly with respect to case law summaries to be published in the newsletter. This remains a work in progress, but the Section did authorize a budget expenditure in 2009 for a paid editorial staff. The Committee has been contacted the Director of Business Law Programs at Lewis & Clark Law School regarding student involvement in this effort; once the editorial staff has been put in place the Committee will follow up on the possible involvement of business law students. The Committee will also look into electronic (versus print) publication of the newsletter in 2009.

The Website Committee, with the assistance of the website administrator, continued to update and enhance the content on the website. The Committee is also reviewing its website contract, and the possibility of other changes to the look and feel of the site to suit the needs of the members.

Budget:

The Section had approximately 1,177 members in 2008 (an increase of 31 members over 2007 and 27 more than the figure budgeted for 2008); the Section expects to continue at approximately that level (1175) in 2009. Section revenues, generated mainly through member dues, are budgeted to be \$37,450 in 2009 (slightly less than the 2008 year-end projection of \$37,610 but \$2500 more than budgeted for 2008 and \$1630 more than actually received in 2007). Section expenses are projected through the 2008 year-end to be approximately \$36,884, or \$3,516 less than the amount budgeted for 2008 and \$5,761 more than the actual expenses for 2007; expenses for 2009 are budgeted to be approximately \$47,480 (an increase of approximately \$7,080 over the amount budgeted for 2008) primarily due to extraordinary expenditures anticipated for the revamping of the Oregon Business Lawyer and website improvements discussed above. This is anticipated to reduce the Section's surplus funds (projected to be approximately \$75,000 at year-end 2008) by approximately \$10,000, which is consistent with the goal set by the Executive Committee last year and this year of reducing the Section's fund balance by providing additional programs and services of benefit to the Section's members.

Legislative issues:

The Legislative Committee reviewed several items that were suggested for possible proposed revisions to the Oregon corporate and LLC statutes in the 2009 legislative session. Of these, the Legislative Committee proposed 2 pieces of business law-improvement legislation for

sponsorship by the Section. These were: (1) a proposal for separate class voting under ORS 60.441, following the model act, and (2) a proposal concerning the 30-day waiting period to effect a short term merger under ORS 60.491 (ORS 60.554 would also be affected). The Section's Executive Committee voted to sponsor both pieces of legislation proposed by the Legislative Committee.

The Legislative Committee also flagged likely third party legislative proposals that may be of interest to the Section and that the Legislative Committee will track if they result in bills being submitted to the 2009 legislature.

The Legislative Committee also invited Dale Higer, Chair of the Uniform Law Commission from Idaho, and Carl Bjerre, professor at the UO Law School, to discuss the Revised Uniform Limited Liability Company Act ("RULLCA") that is currently being proposed for by National Commission on Uniform State Laws ("NCUSL") for adoption by states nationwide. The Section has formed a RULLCA Task Force that has begun a review of the NCUSL proposal, with an eye toward formulating a recommendation regarding adoption of the RULLCA in Oregon. The Section's RULLCA Task Force is co-chaired by David Culpepper and John Draneas, with Chris Hall serving as liaison; the work of the Task Force will continue into 2009.

Matters considered/pending:

In addition to the work of the Section's Executive Committee and its other committees described above, the Executive Committee provided feedback to the OSB's Law Sustainability Task Force regarding sustainability issues as those issues relate to the practice of business law and to the work of the Section. This has led to the possibility of the Section creating a Sustainability Committee as a new Section subcommittee in 2009, perhaps with a liaison from Oregon Lawyers for a Sustainable Future.

Recommendations for 2009:

The Section will continue its work to revitalize the Oregon Business Lawyer publication, to improve content on the Section's website, and to address sustainability issues as they relate to the practice of business law and the work of the Section. The Section will also consider engaging a 'marquee' speaker to attract a wider audience (that is, a higher level of attendance by Section members) at the Section's annual meeting, possibly in conjunction with a day-long CLE.

Any other comments:

The Bar staff (including the Member Services, CLE and Accounting departments) provided consistently efficient,

high-quality assistance to the Section. The Section's contacts in those respective departments included Sarah Hackbart, Karen Lee and Michelle Peterson.

Respectfully submitted: Patricia Lockary Chapman (CH), Andrew H. Ognall (CH-Elect), Jason M. Brauser (Past-CH), Sally Anderson-Hansell (TR), Michelle S. Druce (SEC), Dean N. Alterman, Kevin E. Brannon, Abraham JB Cable, Gustavo J. Cruz, Jason A. Dalton, M. Christopher Hall, Timothy L. Jackle, Andrew J. Morrow, Paul J. Taylor, Kevin S. Thomas, Peter Threlkel (ADV), Kathleen A. Evans (BC), Paul Neese (BL).

Business Litigation Section

Activities and accomplishments:

During 2008 the Business Litigation Section continued its CLE programs and presented four seminars. All CLEs were held in Portland at the Benson Hotel. Attendance remained strong. These were:

3/12/08

Freedom of Contract vs. Federal Arbitration
Michael T. Garone - Speaker

5/14/08

Making Bricks Without Straw - Trying Complex
Business Cases In State Court

Multnomah County Circuit Court Presiding Judge Jean
Kerr Maurer and Judge Jerome LaBarre - Speakers

9/10/08

Things Every Litigator Should Know About
Bankruptcy and Insolvency
Judge Randall Dunn and Steven Hedberg - Speakers

12/12/07

Ethical Issues Arising in the Deposition Process
Peter Glade and Peter Jarvis - Speakers

A new slate of officers has been elected effective January 1, 2009. The Executive Committee will meet in January of 2009 for the annual planning session. The agenda will include a discussion of possible CLE topics for 2009 and holding a CLE out of the Portland area. In addition, the Committee is exploring additional communication channels for Section members, including electronic newsletters and web-based discussion groups.

The Business Litigation Section does not at this time

anticipate proposing any new legislation but it will continue to monitor legislative proposals of interest to Section members.

Respectfully submitted: Keith S. Dubanevich (CH), Joseph C. Arellano (CH-Elect), Bruce H. Cahn (Past CH), Renee E. Rothauge (TR), Kerry J. Shepherd (SEC), David H. Angeli, Paul W. Conable, Kieran John Curley, Timothy S. DeJong, Mary Ellen Page Farr, Thomas Russell Johnson, John F. McGrory, Craig G. Russillo, Gerry Gaydos (BC), Teresa Wenzel (BL).

Civil Rights Section

Activities and accomplishments:

This year we continued quarterly publishing the Civil Rights Section's Newsletter. The newsletter contained articles about recent federal legislation (revisions to the Americans with Disabilities Act, in particular), U.S. Supreme court cases relating to civil rights in the employment context, and Oregon laws that protect victims of domestic violence.

We put together and hosted a CLE on First Amendment Litigation in October of 2008.

We put together and hosted a Public Forum on Government-Sanctioned Torture and its Implications for Democracy on November 13, 2008.

We passed a resolution to take a formal position opposing the use of government sanctioned torture. A refined version of that resolution was adopted by the Board of Governors in December 2008.

We have had ongoing discussions regarding membership and what we can do to attract attorneys of limited means (due to their work as public interest attorneys) and to provide attorneys who do public interest work with support from our organization – in the form of free memberships, primarily.

Budget:

We adhered to our budgetary goals.

Matters considered/pending:

We still need to select one at-large member.

Recommendations for 2009:

Membership goals. More collaborative projects with other organizations sharing our goals.

Respectfully submitted: Katelyn S. Oldham (CH), Loren

W. Collins (CH-Elect), David D. Park (Past CH), Steven A. Kraemer (TR), Beth Englander (SEC), Amy L. Angel, Mary Ellen Page Farr, Scott N. Hunt, John A. Kodachi, J. Scott Moede, Diane Schwartz Sykes, Robert L. Vieira (BC), Paul Nickell (BL).

Computer & Internet Law Section

Activities and accomplishments:

The Computer and Internet Law Section (CILS) strives to further the continuing education and enhance the effectiveness of attorneys whose practices involve computer and internet related issues. At its January 2008 kick-off meeting, the Executive Committee of the CILS agreed to concentrate on determining the most relevant topics to all practitioners because of the rapid changes in this area of the law. This Report provides an overview of the Section's goals and activities to meet that end.

In 2008, the section accomplished a great deal. In addition to the monthly lunches and annual CLE in the fall, the section embarked to improve its website and publish a desk book on electronic commerce in both electronic and hard form. The book was completed in December and is being reviewed and formatted for publication.

Luncheon CLEs

During 2008 the attendance at our eight luncheon CLEs remained strong, with the number of attendees generally ranging between 25 and 38. Among the best attended CLEs were ones on patent law, electronic data management and cyber piracy.

Annual CLE: The Continuing Evolution of Computer and Internet Law

The annual CLE was a success on several fronts for the section. It was well attended, it was webcast to increase participation and it featured several nationally known speakers on several hot topics in the computer and internet law area.

CILS Website

We increased the reach of our membership through a revision and new contract to maintain our website, as the previous company experienced performance issues. The website was made available to better serve the members. We have also revitalized the listserve after a lapse.

E-Commerce Desk Book

This project was started by Martin Medeiros and shepherded by Thomas Bahrman to better help prevent practitioners from making mistakes, as many clients now

have a web presence and are subject to the liabilities such presence creates. The articles are being finalized for publication in the first quarter of 2009. The intent of this work is to help practitioners spot issues and is not intended as a comprehensive treatise.

Student and Young Attorney Involvement

The Executive Committee continued to increase contact and its visibility with law students by offering a CLE scholarship, reduced rates and invitations to the annual meeting.

The Annual Meeting

The annual meeting was held in a new location this year, Serratto's. The annual report was delivered and minutes were accepted as was the slate of new officers. They are:

Chairperson:	Marinus Damm
Past Chair:	Renée E. Rothauge
Chair-Elect:	Marti McCausland
Secretary:	Richard Wilhelm
Treasurer:	Travis J. Benn

Budget:

Although there has been a reduction in membership to 254, we have had a number of new attorneys approach us with interest, primarily younger attorneys and new admittees as this area of the law increases in complexity. The finances remain strong and we look forward to publication of the desk book and website maintenance utilizing those funds.

Any other comments:

The Executive Committee believes, given the complexities of this area of law and the increase in youth interest, that membership and education are critical to its success. We were successful in attracting younger, new participants to meetings and to the slate of officers.

Respectfully submitted: Renee E. Rothauge (CH), Jacob J. Carroll (CH-Elect), Thomas E. Bahrman (Past CH), Marinus Damm (TR), Marti McCausland (SEC), Travis J. Benn, Michael A. Cohen, Paula Holm Jensen, Lydia Pallas Loren, Martin Francis Medeiros, Esin Onart, Karen Dana Oster, Heather R. Self, John Stevason, Robert A Swider, Marc Visnick, Richard A. Wilhelm, Gina Anne Johnnie (BC), Michael Legleiter (BL).

Constitutional Law Section

Activities and accomplishments:

We presented the day-long CLE "Guns, Guantanamo, Road Rage, and Elections: A 2008 Constitutional Law Update" on November 21, 2008. The program included Professor Vikram Amar, from the UC Davis School of Law, presenting a review of the past year's Supreme Court decisions involving constitutional law, Professor Pamela Karlan, from the Stanford University School of Law and Supreme Court Litigation Clinic, speaking on constitutional issues and elections, a panel discussion of constitutional issues and elections featuring Professors Amar and Karlan, David Leith from the Oregon Department of Justice, Roy Pulvers from Hinshaw & Culbertson LLP, and Secretary-of-State-Elect Kate Brown, and a state constitutional law update presented by Judges Landau and Schuman of the Court of Appeals and Alycia Sykora of Miller Nash LLP. The event was well received and well attended. For the third year in a row, we welcomed high school students competing in "We the People" competition sponsored by the Classroom Law Project.

We continued to plan for a celebration of the Sesquicentennial of the Oregon Constitution in several forms. Les Swanson headed the Sesquicentennial sub-committee. The sub-committee has coordinated with the University of Oregon Law Review to produce a symposium on the Oregon Constitution (scheduled for February 13, 2009). In addition, the sub-committee has pursued grant opportunities for the purpose of funding a DVD series on the Oregon Constitution to be produced in conjunction with the Classroom Law Project. Charlie Hinkle, of Stoel Rives, has agreed to be the research coordinator for the DVD project; the plan is to use some of the grant money to fund stipends for law students who conduct research to be used in preparing the DVDs. We will continue to seek additional grant monies to support the DVD project.

We continued to maintain the constitutional law blog. Although it has been less active over the past year, this summer section members Yonit Sharaby, Jonathan Hoffman, Jonathan Henderson, Bob Steringer, and Fred Granata, among others, reinvigorated the discussion on the blog.

We have produced one newsletter that should be distributed in December.

Budget:

We have had \$4675 in revenue this year from membership dues, and have a fund balance of \$20,885. Our largest expenditures have been the honoraria to the CLE

speakers (\$1000 each to Professors Karlan and Amar), and \$2500 to the grant writer for the Sesquicentennial project. A substantial portion of the grant writer's fee was covered by previously-obtained grant funds for the Sesquicentennial project. The 2009 budget is basically the same as the 2008 budget, with the largest planned expenditures being for CLE speaker honoraria and for the Sesquicentennial symposium and video project. We are actively seeking other grant monies to be dedicated to the video project.

Legislative issues:

We did not face in legislative issues this year, in large part because the legislature was not in session.

Recommendations for 2009:

We will again host an annual CLE in the fall of 2009. Other planned activities include the Sesquicentennial symposium hosted by the University of Oregon Law Review on February 13, 2009, and continued work on the Sesquicentennial DVD project. We should continue discussions about how to reinvigorate the blog and whether we should expand the number of newsletters.

Respectfully submitted: Erin C. Lagesen (CH), Henry C. Breithaupt (CH-Elect), Les Swanson (Past CH), Alycia N. Sykora (TR), Ruth M. Spetter (SEC), Gregory A. Chaimov, Rebecca A. Duncan, Jack L. Landau, David Euan Leith, Chin See Ming, Michael H. Simon, Agnes Sowle, Edward H. Trompke, James N. Westwood, Youlee Y. You, Kellie F. Johnson (BC), Paul Nickell (BL).

Construction Law Section

Activities and accomplishments:

The Construction Law Section membership has remained consistent. The Executive Committee met approximately every two months from noon until 1:30 pm at various locations. Telephone access was provided for non-Portland-area members.

CLE Programs

The Section's primary activity continues to be providing continuing legal education opportunities for its members. In 2008, the Section sponsored the following CLE activities:

- On May 16, 2008, Gary Christensen, Darien Loiselle, and Jeremy Vermilyea presented a CLE comparing the 2007 AIA form contracts with the new ConsensusDOCS form contracts. The seminar

was co-sponsored by AGC and was held at the AGC Center in Wilsonville, Oregon.

- On December 5, 2008, the Section teamed up with the Oregon Construction Contractors Board to present a half-day seminar entitled "The 2008 Practitioner's Guide to the Construction Contractor's Board." The seminar was held at the Monarch Hotel in Clackamas, Oregon. The Section's Annual Meeting was held following this CLE.

Referee Program for Construction Litigation

Members of the Section continued to work with judges around Oregon to implement the Referee Program into other counties.

Website

The Section web site is up and running. The Executive Committee hired Paul Tichy to assist with the web site and has worked with Mr. Tichy to post information. The web site now provides on-line access to all past issues of the Section's newsletter.

Newsletter

The Section published three editions of its newsletter. The Section publishes the newsletter only via email to all members, except for members without an email address or those who request a paper version.

Elections

The following new members were elected to the Executive Committee at the December 5 annual meeting: Dan Schanz and Bob O'Halloran. The following members were re-elected to new terms on the Executive Committee: Jason Alexander and Tim Dolan. The following members were elected to positions as follows: Chair: Angela Otto; Chair-Elect: Gary Christensen; Past-Chair: Alan Mitchell; Secretary: Darien Loiselle; and Treasurer: Jim Van Dyke.

Respectfully submitted: Alan L. Mitchell (CH), Angela Otto (CH-Elect), Darien S. Loiselle (TR), D. Gary Christensen (SEC), Jason Alexander, William J. Boyd, Timothy M. Dolan, John Daniel Gragg, Thomas A. Ped, Jim Prichard, James H. Van Dyke, Peter J. Viteznik, Gina Anne Johnnie (BC), Sarah Hackbart (BL).

Criminal Law Section

Activities and accomplishments:

Our 21st annual CLE (Contemporary Issues in Criminal Justice) was held April 4, 2008. The CLE was successful and well-attended. Our venue at the Federal Courthouse in

Portland continues to be a good one for this section.

The executive committee continued to evaluate potential uses for our section website. The website has been updated and continues as a work in progress.

We took part in some legislative endeavors, as described below.

Two newsletters were published and mailed to section members.

Regular meetings of the Criminal Law Section Executive Committee were held. Most were at the new OSB center, but we also tried to have meetings in other locations. Our summer meeting was held in Northeastern Oregon. We will continue to occasionally change meeting locations to involve practitioners from outside the Portland metro area.

We assisted other bar sections as we could, as well as groups such as the Boy Scouts of America when help or advice were asked for. We also donated funds to the Oregon Minority Law Association and the Campaign for Equal Justice.

Budget:

As of December, 2008, our budget has leveled at just over \$50,000.

Legislative issues:

Two Executive Committee Members have worked on Legislative issues this year. They drafted and presented information on two bills which impact both prosecution and defense practitioners. It is encouraging that the "bi-partisan" Executive Committee was able to unanimously support these efforts.

Matters considered/pending:

We hope to put on a very high-quality CLE in April, 2009. We have budgeted more than the usual amount to obtain dynamic speakers from other parts of the country.

We hope to continue to be a resource for criminal law practitioners as well as others in Oregon. Newsletters and further website development are planned for 2009.

Recommendations for 2009:

We hope to put on a very high-quality CLE in April, 2009. We have budgeted more than the usual amount to obtain dynamic speakers from other parts of the country.

We hope to continue to be a resource for criminal law practitioners as well as others in Oregon. Newsletters and

further website development are planned for 2009.

Respectfully submitted: Gregory B. Scholl (CH), Bradley C. Berry (CH-Elect), Janelle Factora Wipper (Past CH), Peter L. Deuel (TR), Marc Sussman (SEC), Rebecca A. Duncan, Barbara Gabriela Ghio, Gregory D. Horner, Joseph A. O'Leary, Daniel Ousley, Tahra Sinks, Timothy A. Sylwester, Kateri Walsh (BL).

Debtor-Creditor Section

Activities and accomplishments:

The Debtor-Creditor Section operates primarily through its subcommittees described below. The Section conducts an annual meeting and CLE program and co-sponsors the Northwest Bankruptcy Institute CLE program with the Washington State Bar Creditor-Debtor Section on topics relevant to the debtor-creditor practice. The Section conducts the Saturday Session meeting between the bench and bar. The Section provides service to the public primarily through its pro-bono bankruptcy clinic, public education committee, and the C.A.R.E. program. The Section publishes a newsletter, is active in legislative matters, and maintains a Section website.

Active Subcommittees

This years two committees were deleted: Local Bankruptcy Rules Committee (which completed its task upon issuance of the new local bankruptcy rules in Oregon), and ECF Committee (which completed its task with the successful implementation of mandatory ECF in the Oregon bankruptcy courts).

Annual Meeting: Organizes and conducts annual meeting. The 2008 annual meeting and CLE was held on September 19 and 20, 2008, at the Salishan Resort, Glenden Beach, Oregon

Award Merit: Seeks out persons who deserve special recognition for extraordinary contributions in the debtor-creditor area. This year the committee chose not to present an Award of Merit

C.A.R.E. Program: Organizes and presents educational programs to high school students throughout Oregon on the responsible use of credit

Consumer Bankruptcy: Meets regularly to discuss issues affecting consumer bankruptcy practice

Continuing Legal Education: Conducts CLE programs in conjunction with Annual Meeting and at other times on topics relevant to the Section's membership

Legislative: Sponsors new legislation and comments on legislative proposals applicable to debtor-creditor practice. The subcommittee has prepared several bills for the 2009 legislative session

New Lawyers: Conducts networking and CLE programs for members of the Section new to practicing debtor-creditor law

Newsletter: Publishes three issues per year on debtor-creditor topics relevant to the Section's membership

Nominating: Proposes nominees to fill vacancies on Section's Executive Committee

Northwest Bankruptcy Institute: Co-sponsors Annual CLE Program with Washington State Bar Creditor-Debtor Section. The 2008 Institute was held in Seattle, Washington. The 2009 Institute is scheduled for April 10 – 11, 2009, in Vancouver, Washington

Pro Bono: Conducts bankruptcy clinics and provides volunteer lawyers for low income bankruptcy clients

Public Education: Develops strategies to educate the general public concerning debt management and bankruptcy

Saturday Session: Conducts annual meeting between Bankruptcy Court judges and staff and bankruptcy practitioners on current issues relevant to local bankruptcy practice

Website: Maintains the Section's website at www.osb-dc.org

CLE Programs

This years activities included:

February 23, 2008 – Saturday Session, Salem Conference Center
April 18-19, 2008 – Northwest Bankruptcy Institute, Seattle, Washington
September 19-20, 2008 – Annual Meeting CLE, Gleneden Beach, Oregon

Newsletter

The Newsletter routinely includes case notes from both state and federal courts on issues affecting debtor-creditor law, comments from the chair, and reports from the consumer committee.

The Winter 2008 Edition also included:

- State Tax Withholding for Nonresident Sellers: ORS 314.258
- Digital Potatoes, Pears and Pumpkins: The Perishable

Agricultural Commodities Act Trust in the Electronic Age

- Finding a Home in Chapter 11

The Spring 2008 Edition also included:

- HB 3630: The Mortgage rescue Fraud Protection Act of 2008 and New Notice Required Under Oregon Trust Deed Act
- Update on Unbundling
- Legislation on Discharge of Debt for Principal Residence
- Oregon Judgment Liens

The Fall 2008 Edition also included:

- Courts Expand Deference to Nonbankruptcy Law Following Supreme Court's Decision in *Travelers*
- Student Loan Discharge Potpourri

Budget:

The section has been operating within its proposed budget for 2008. As of October 31, 2008, the section has an ending fund balance of \$20,986.

Legislative Issues:

The Legislative Committee was very active during 2008, and made four law improvement proposals to the bar for submission to the 2009 Oregon Legislature. The Board of Governors approved all four proposals, which included: clarifying the procedure used to enforce a purchaser's right to possession of property purchased at a foreclosure or execution sale, and that the F.E.D. statutes are available in such situations; amending ORS Ch. 18 to provide that information provided on Judgments and Writs of Garnishment forms be truncated to omit full SSN; excluding outright debt buyers from ORS Ch. 697, which regulates collection agencies; changes to HB 3630, mortgage lending bill, passed in 2008 Session; and amending ORS 86.750(3) to require that a trustee foreclosing a residential trust deed record affidavits of mailing and service of the notice required, and to provide a bar date for the grantor to raise the issue that they did not receive notice.

Matters considered/pending:

The Executive Committee oversaw and continues to oversee the activities of the subcommittees.

Recommendations for 2009:

The Section and executive committee are very active. If we can keep the momentum going on existing programs we will be doing well.

Respectfully submitted: Teresa H. Pearson (CH), Thomas M. Renn (CH-Elect), Stephen T. Tweet (Past CH), Miles D. Monson (TR), Patrick Whelan Wade (SEC), Laura L. Donaldson, Susan S. Ford, Thomas A. Huntsberger, Douglas Pahl, Albert E. Radcliffe, Daniel H. Rosenhouse, Brandy Augusta Sargent, Tara J. Schleicher, Carolyn R. Smale, S. Ward Greene (BC), Karen D. Lee (BL).

Disability Law Section

The Disability Law Section Executive Committee met approximately every month during 2008. Meetings alternated between the Oregon State Bar Building and the meeting room of Disability Rights Oregon (formerly Oregon Advocacy Center).

Activities and Accomplishments:

The Executive Committee met with representatives of the Disability and Business Technical Assistance Center Northwest to discuss introducing the concept of Universal Design into Oregon State Bar services and architectural access. The Bar has agreed to explore Universal Design particularly in regard to services. Meanwhile, the Section has continued to provide input to the OSB on its web accessibility.

The Executive Committee granted financial assistance to the recipient of the Wade and Elsie Marler Plymell Scholarship for a University of Oregon Law Student with disabilities (founded by Disability Law Section Treasurer Alice Plymell). The Section provided funds assisting the student to attend a national conference and career fair for law students with disabilities.

The Executive Committee met with Jon Benson, the new OSB Administrator of Bar Admissions to discuss and provide input into issues regarding bar exam reasonable accommodations. The Executive Committee also met with Frank Garcia, the new OSB Administrator of the Bar Affirmative Action Program to discuss Bar activities concerning people with disabilities.

Section Members assisted with reviews and updates to Bar Tel-law scripts pertaining to disability issues.

The Section Chair attended the September House of Delegates meeting.

Budget:

The Section expenses were under budget. The budget balance remains strong for the upcoming year and should allow for website revision, newsletter(s) and conducting two CLE events.

Legislative issues:

The Section will have several opportunities to consider legislation in the new state session. The Section is pleased to have new membership on the Executive Committee committed to identifying priority issues appropriate for the Section to take action upon.

Matters considered/pending:

The Executive Committee plans to continue working on matters pertaining to Universal Design, with a particular emphasis on assessment of service delivery. The Executive Committee plans to meet again with Frank Garcia and Jon Benson regarding possible new or updated rules for bar admissions as they pertain to disability. One specific related issue of concern is addressing the cost and time commitment necessary for students with cognitive disabilities to obtain current and accurate expert assessments.

Recommendations for 2009:

- CLE cosponsored with Oregon Social Security Claims Representatives on Fibromyalgia.
- CLE cosponsored with Diversity Section.
- Reinstigate print newsletter.
- Hold at least one meeting in Eugene and another at a location designed to reach out to members outside of Metro area.
- Renew support to assist one or two Oregon law students with disabilities with legal career development.

Respectfully submitted: Theodore E. Wenk (CH), Heidi von Ravensberg (CH-Elect), Neisha A. Saxena (Past CH/SEC), Alice M. Plymell (TR), Anna L. Davis, Thomas K. Doyle, Christina Thacker, Audrey T. Matsumonji (BC), Margaret Robinson (BL).

Diversity Section

Activities and accomplishments:

The Diversity Section has been actively involved in promoting quality, engaging well taught diversity education to all members to the bar as one too of many to help increase diversity within the bar. After over a year of careful negotiations and compromise we were able to help craft an agreement with the help of the leadership of the bar, the petitioners and Justices from the Oregon Supreme Court. The agreement will serve the interests of ongoing diversity within the OSB for years to come and we wish to

thank all those involved in the positive resolution.

The Diversity Section took an active role in supporting the Affirmative Action Program and OLIO. We gave financial assistance and many of the members of the executive committee directly participated in OILO activities. The Honorable Cheryl Albrecht and Mary Crawford designed and presented CLE's on the topic of Diversity and Access to Courts at OLIO.

Member of the executive committee served on both the search committees for the Affirmative Action Program Director and the Executive Director of the Oregon State Bar.

We have started planning a Convocation II to be held in November, 2011. The goal of this Convocation II is to reignite passion and dedication for equality in the life changing ways inspired by the first Convocation on Equality.

Budget:

We have prepared a budget and will submit it with this document.

Legislative issues:

We anticipate being involved in an effort to update the mission language of the Oregon State Bar to include specific support for diversity. We are still early in the process, but this may require legislative action.

Matters considered/pending:

We are planning a reconstruction of our sub-committees to enable us to function more efficiently. We have our annual joint retreat with the AAC and January 10, 2009. We may be working on future projects with the Board of Governors. We need to nominate members to the MCLE Advisory Board for Access to Justice.

Recommendations for 2009:

Continue work on restructuring committees. Further develop and plan Convocation II, Strengthen our relationship with other stakeholders.

Respectfully submitted: Mary Crawford (CH), Akira Heshiki (CH-Elect), Diane Schwartz Sykes (TR), Andrea J. Anderly (SEC), Cheryl A. Albrecht, Beth A. Allen, Richard C. Baldwin, Alice M. Bartelt, Antonio J. Gonzalez, Robert C. Joondeph, Janna Beth M. Kim, Jeanne F. Loftis, Julia Elizabeth Markley, Anthony A. Padilla, Larry Seno, Joshua S. Williams, Marva Fabien (ADV), Joylynn Nair (ADV), Theresa L. Wright (BC), Frank Garcia (BL).

Elder Law Section

Membership in the Elder Law Section declined again slightly between 2007 and 2008. There were 552 total members as of October 31, 2008. Of those members, 546 were paid memberships, and 6 were complementary memberships. Despite this slight decline, interest among the Section members continues to be high, and the Section continues to be very active.

Activities and accomplishments:

2008 Section Subcommittee Activities:

Subcommittee: Agency and Professional Relations
Chair: Michael Edgel

During 2008, the APR Subcommittee met quarterly with representatives from Oregon's Department of Human Services. During the year, a number of significant rule changes were proposed, many of which were ultimately implemented. The APR Subcommittee worked closely with DHS to ensure that the rules would be clearly written to ensure fair implementation. The most important of these rule changes was an expansion of the definition of "estate" as it pertains to the State's Estate Recovery authority. The definition has been expanded to include assets which have been transferred to the "healthy" spouse, and that change was made retroactively. This affects a large number of both current and former clients, and attorneys who's practice includes Medicaid need to consider how these changes affect all of these clients.

Subcommittee: CLE
Chair: Mark Williams

The CLE Subcommittee sponsored the 5th annual UnCLE on May 9, 2008, at the Valley River Inn in Eugene. The registration reached the maximum of 75 participants, and all of the sessions were well-attended. As in past years, the UnCLE format proved very successful in encouraging collaborative discussions about the subject matter. The 6th annual UnCLE will be held in Eugene in May, 2009. The annual Elder Law CLE was held on October 3, 2008 at the Oregon Convention Center in Portland. The title of the program was "Advancing the Plan", and the topics included special needs trust administration, a Medicaid update, communicating effectively with impaired clients and beneficiaries (access to justice), repairing trusts, IRA distributions, and problem areas in guardianship and conservatorship administration. The CLE was well-attended and received very good responses from attendees.

Subcommittee: Computers and Technology
Chairs: Susan Ford Burns/Ryan Gibb

This Subcommittee continued to keep the "Important Medicaid Numbers" chart updated on the Section's website, as well as manage the Section's very active listserve.

Subcommittee: Legislative

Chair: Ryan Gibb

The Elder Law Section has proposed one bill for the upcoming 2009 Legislative Session. The bill is intended to allow Courts to enter a limited judgment in both estate proceedings (amending ORS 111.275) and in protective proceedings (amending ORS 125.030) for the award of costs and fees to an attorney, fiduciary, or other individual. The Subcommittee does not anticipate that this bill will draw controversy from any other sections. In fact, the bill has been discussed with the Estate Planning and Administration Section and the Oregon Bankers' Association, and has met with favor from those groups.

The Elder Law Section has also been very involved with two other pieces of legislation that have been proposed. The first is a bill implementing a statutory power of attorney form, which has been proposed by the Oregon Bankers' Association. The legislation is based on a Uniform State Law developed by the National Conference of Commissioners on Uniform State Laws. Several Section members have worked closely with the OBA to ensure appropriate protections are included for vulnerable clients. There is hope that the OBA will continue to be responsive to the concerns raised by the Section and that this legislation will ultimately prove to be an improvement to the current state of the law in Oregon.

The second piece of legislation that the Section has been involved with is a bill proposed by the Oregon Law Commission which would amend Oregon's Elective Share statute. A number of Section members have worked with this legislation over the past few years. Currently, Jane Patterson is working with a workgroup which includes the Oregon Law Commission, the Estate Planning and Administration Section, and others, to ensure that this bill has a positive impact on the current law. The Section anticipates continuing to be involved in both of these bills in the future.

Subcommittee: Newsletter

Chair: Leslie Harris

The Section's quarterly newsletter continues to be a wonderful resource for Section members. Changing to an electronic distribution format has allowed the Subcommittee to continue to expand the newsletter format. The most recent issue was published on October 4, 2008. It was 20 pages long, and contained articles dealing with a variety of legislative issues, a recent Court of Appeals decision,

Medicaid issues, and the Fair Housing Act. The front page article was written by State Senator Suzanne Bonamici, and was entitled "Attorneys can advocate for elders during the Oregon legislative session". The Subcommittee has continued to identify pertinent issues and authors who have a wealth of relevant knowledge. The newsletter continues to be edited by Carole Barkley. The electronic format also continues to provide a cost savings for the Section.

Subcommittee: Elder Abuse Issues

Chair: Steve Owen

The role of this subcommittee was discussed at the recent Section Executive Committee planning session. The Executive Committee decided to modify the purpose of this Subcommittee to monitor issues relating to elder abuse around the state, and report back to the Executive Committee. This shift will take some of the burden off of the Subcommittee, as it will not have a mandate to investigate current practices around the State. Several members of the Subcommittee worked to complete a significant overhaul to the benchguide for the Elderly Persons and Persons with Disabilities Abuse Prevention act. The Section appreciates the efforts of the Section members in this venture, which will be a significant resource for judges in Oregon.

Subcommittee: Fiduciaries and Protective Proceedings:

Chair: Gary Vigna

This Subcommittee was disbanded this year by the Executive Committee, as the issues which it was formed to address were being addressed by other subcommittees. The Executive Committee will consider re-constituting this Subcommittee if the need arises in the future.

Annual Meeting

The Annual Section Meeting was held after the lunch break of the October 3, 2008 CLE program. At the meeting, a slate of new officers and members was approved for the Section Executive Committee. The new officers will be as follows:

Chair: Penny Davis

Past-Chair: Ryan Gibb

Chair-Elect: Sylvia Sycamore

Secretary: Geoffrey Bernhardt

Treasurer: Brian Haggerty

The new members-at-large will be:

Don Dickman

Michael Schmidt
Whitney Yazzolino
Jason Broesder
Eric Kearney

Executive Committee Retreat

The Executive Committee held a planning retreat on September 26-28, 2008, at Bella Beach. The Executive Committee discussed a variety of issues relating to the practice of Elder Law, as well as the role of the Section in the practice of Section members. The Executive Committee continues to be dedicated to the improvement of the practice of Elder Law in Oregon.

Budget:

The Section's budget continues to show revenues outweighing expenses. The savings on the electronic distribution of the newsletter, and the continued strong attendance at the CLE programs has helped the Section to not only keep a balanced budget, but build a bit of a reserve for future activities or down years. The Section also increased its distribution to the Campaign for Equal Justice to \$1,500 this year, recognizing the significant impact that those programs have on the practice of Elder Law in Oregon. The budget for 2009 actually includes spending beyond the anticipated revenues, with the difference to be made up from the accrued reserve. Section dues will remain at \$25.

Recommendations for 2009:

The activities of the Section should continue on in similar fashion to 2008. There will be an UnCLE program and an annual CLE program again in 2009. The Legislative Subcommittee will be active in supporting the Section's bill through the legislative process, as well as monitoring other legislation which has been proposed. The newsletter will continue to be published quarterly. The listserve will continue to be the central network of communications amongst Section members about specific practice issues.

Respectfully Submitted: Ryan Edward Gibb (CH), Penny L. Davis (CH-Elect), Steven A. Heinrich (Past CH), Sylvia Sycamore (TR), Daniel C. Robertson (SEC), J. Geoffrey Bernhardt, Susan Ford Burns, Sam Friedenber, Brian Haggerty, Leslie Kay, Stephen R. Owen, Stephen R. Skipton, Ellyn R. Stier, Brian M. Thompson, Gary L. Vigna, Carol DeHaven Skerjanec (BC), David W. Nebel (BL).

Energy, Telecommunications & Utility Law Section

Activities and accomplishments:

The Section sponsored a lunch time CLE in Portland on the topic of Regional Natural Gas: Assessment of Need, Supply Options, and Infrastructure on September 17, 2008.

The Section held Executive Committee meetings on February 5, April 9, and October 7, 2008. The Section continued work on a practice manual for regulatory practice in Oregon.

The Section made charitable contributions to the Campaign for Equal Justice (\$1,000) and the Classroom Law Project (\$1,000).

Respectfully submitted: David F. White (CH), John P. (Jay) Nusbaum (CH-Elect), Lawrence H. Reichman (Past CH), Stephanie S. Andrus (TR), Chad M. Stokes (SEC), Brian D. Altman, Jim Deason, James Richard George, Jeffrey S. Lovinger, Katherine A. McDowell, Daniel W. Meek, Jonathan M. Norling, Lisa F. Rackner, David R. Ris, Mark P. Trinchero, Ann L. Fisher (BC), Cheryl L. McCord (BL).

Environmental and Natural Resources Section

Activities and accomplishments:

This year the Environmental and Natural Resources (ENR) Executive Committee published four E-Outlook issues on hot topics and legal updates covering on a range of environmental and natural resource issues. The Committee also published one hardcopy edition of its OUTLOOK newsletter this year focused on the issue of Cultural Resources. The Committee e-mailed the newsletter to its section members as well.

The ENR Section further sponsored numerous Brownbag CLEs in Portland over the year, including, but not limited to: state controls on greenhouse gas emissions from vehicles, Oregon wave energy potential and issues, and renewable fuels.

In addition, the Executive Committee supported a resolution submitted to the House of Delegates at its November 2008 meeting. The resolution encouraged the Oregon State Bar's goal of sustainability related to expanding local routine court appearances via telecommunication. This resolution was adopted by the House of Delegates.

The Executive Committee also has also supported a resolution asking the OSB to undertake an audit of the

OSB carbon footprint.

The ENR Executive Committee created a subcommittee task force of certain members to assist and provide legal resources to the Governor's Oregon Global Warming Commission. In addition, the ENR participated in meetings with the Quality of Life (QOL) committee and Oregon Lawyers for a sustainable future to help QOL produce recommendations regarding the OSB and sustainability.

This resulted in a QOL report proposing the BOG appoint a Sustainability Task Force. The BOG approved the task force.

This year the section extensively upgraded and updated its website to cover numerous new topics and links related to ENR issues.

To recruit more members and involve the interested law student body in the work of the ENR Section, the Committee formally established law school student liaisons as non-voting Committee members. The ENR Section continued its outreach to the three Oregon Law Schools. Through this outreach effort, the section gained an estimated fifteen new members.

Budget:

The Section's December end balance was \$13,848. The Section had budgeted to spend \$15,810 this year, but only spent \$4,839 primarily because not as many newsletters were published as originally anticipated and a day long CLE set for October 2008 in Bend was rescheduled to May 2009 due to a conflict with another similar seminar also occurring in Bend at the same time.

Some of that budget carryover will go towards the newsletter editor/coordinator and the daylong CLE in Bend addressing ENR issues affecting Central Oregon. Having a positive end-of-year balance will also mean that the ENR Section can continue to organize the successful brownbag CLEs at a minimal cost to the membership.

Legislative issues:

The Section did not propose any legislation for 2008.

Recommendations for 2009:

The 2009 Outlook newsletters will continue to emphasize current developments in case law and legislation. The ENR anticipates providing the Section with Outlook issues in purely electronic form to minimize use of paper and maximize cost savings in production.

The ENR Global Warming subcommittee will continue to make itself available to the Oregon Global Warming

Commission. The Section will further develop its website to make it a more functional tool for the membership. The section will continue to organize CLEs. Topics for 2009 are being developed, with at least one full-day seminar, and numerous lunchtime seminars. The Committee will continue to refine and implement its strategic goal of reaching out to Section members outside the Portland Metro area through existing and emerging conferencing technologies.

Respectfully submitted: William Sherlock (CH), Diane Henkels (CH-Elect), Renee Moulun (Past CH), David Ashton (TR), Jas Jeffrey Adams (SEC), Aubrey E. Baldwin, Michael R. Campbell, Leslie A. Carlough, Pamela Hardy, Hong N. Huynh, Stephen P. Kelly, Maggie Langlas, Laura Maffei, John H. Marsh, Donald H. Pyle, Susan L. Smith, Anita MA Winkler, Betsy Bridge (ADV), Charles Brushwood (ADV), Crystal Chase (ADV), Josh Kellerman (ADV), Scott A. Morrill (BL).

Estate Planning & Administration Section

As of November 30, 2008, the section had 1,162 paid members. The section annual meeting was held on Nov. 7, 2008 at the Oregon Convention Center.

Activities and accomplishments:

CLE Programs:

"Advanced Estate Planning," June 20, 2008, cosponsored with the Oregon State Bar, at the Oregon Convention Center, 6.25 general CLE credits and 0.5 ethics credits.

"Planning the Taxable Estate," Nov. 7, 2008, cosponsored with the Oregon State Bar, at the Oregon Convention Center, 5.5 general CLE credits and 1.0 ethics credit.

Newsletters:

The section published four newsletters, in January, April, July and October, with articles on a wide range of topics of interest to trust and estate practitioners.

Website:

The section maintained a website with copies of section newsletters, selected legislative information, links, and other resources helpful to section members.

Budget:

The section's financial position remains strong. The annual membership fee will remain at \$20. As of November 30, 2008, the section had an ending fund balance of \$16,745.

Legislative issues:

The section has requested that the following bills be introduced in the 2009 legislative session:

- A bill to authorize springing powers of attorney.
- A bill to extend conservatorships until age 21.
- A bill to make technical corrections to the Uniform Trust Code.
- A bill to adopt the Uniform Adult Guardianship and Protective Proceedings Act.
- A bill to increase the small-estate dollar limits.
- A bill to restore the availability of closure letters from the Oregon Department of Revenue for Oregon inheritance tax returns.

The section considered but withdrew a bill to regular fees charged by heir-search firms.

In addition, the section has reviewed and commented on legislation sponsored by others, including amendments to the natural resources exclusion to the Oregon inheritance tax, a revision of the Uniform Durable Powers of Attorney Act, and an amendment to the elective share statute.

Matters considered/pending:

The section expects that its participation in the bills listed above, and likely others, will be a major part of its activities during 2009.

Respectfully submitted: Jonathan A. Levy (CH), Penny H. Serrurier (CH-Elect), Timothy J. Wachter (Past CH), Susan N. Gary (TR), Eric H. Vetterlein (SEC), Karen C. Allan, William D. Brewer, Jeffrey M. Cheyne, Susan A. Miller, Jeffrey G. Moore, Marsha Murray-Lusby, Timothy O'Rourke, David E. Paulson, Thomas J. Sayeg, Kenneth Sherman, Anne M. Thompson, Matthew Whitman, Bernard F. Vail (ADV), Kathleen A. Evans (BC), Sally Ann LaJoie (BL).

Family Law Section

Activities and accomplishments:

The Family Law Section continues to be active and successful. Section membership has increased.

The Section successfully conducted its annual three day Annual Meeting and CLE Conference at Salishan by presenting general credits and ethics credits. This CLE Conference also offered an opportunity to earn optional credits: child abuse and elimination of bias credits.

The Section Listserve continues to be a forum through which member can get practice advice on many topics. The Family Law Forum and the section Newsletter continue to be useful practice aids to section members.

Budget:

The financial position of the section remains strong, particularly with the increased membership and CLE Conference attendance, which helps fund the newsletter.

Legislative Issues:

The section submitted 2 Law Improvement Proposals to the BOG to be included in the 2009 Legislative Session's OSB sponsored bills: HB 2310 which modifies family abuse restraining orders (FAPA) orders, and HB which adds language to stalking and Family Abuse Prevention Act (FAPA) statutes clarifying that legal service of process, not done for purpose of harassment, is not a violation of court orders.

Additional comments:

The Executive Committee continues with its practice of bi-monthly meetings with two face-to-face meetings, one occurring in Salem and the other at the Salishan conference.

These provided an opportunity for those members in all areas of the state to come together and meet personally, socialize, and conduct section business.

Respectfully Submitted: Gordon L. Dick (CH), Robert C. McCann, Jr. (CH-Elect), Mary Lois Wagner (Past CH), Charles M. Zennache' (TR), Elizabeth A. Trainor (SEC), Sean E. Armstrong, Marcia Buckley, Richard William Funk, Seth W. Hantke, Grace Y. Lee, M. Scott Leibenguth, Laura B. Rufolo, Carl R. Stecker, Anthony HB Wilson, Theresa L. Wright (BC), Susan Evans Grabe (BL).

Government Law Section

Activities and Accomplishments:

The Government Law Section's purpose is to educate and inform lawyers representing governmental entities or practicing in areas that deal with government entities. The section conducts two full-day CLEs each year.

The 2008 CLEs included:

- The Mid-year CLE at Inn at Spanish Head in Lincoln City, presented every year on the Friday in February coinciding with the weekend of the Newport Seafood and Wine Festival. This year the CLE was

entitled "Lawyering Essentials". The CLE featured presentations on development agreements, collective bargaining and employment law, major tort litigation (Clarke) and a panel on recent ethics law changes. The highlight was another thoroughly enjoyable talk by the Hon. Donald C. Ashmanskas entitled "May a Dolphin Get a Writ of Habeas Corpus? (A Judicial Retrospective)". The CLE was well-received.

- The Fall CLE held at the Salem Convention Center on October 31, 2008. Entitled "Municipal Sustainability Projects— The Harnessing of Sun, Wind, Surf and Water", and headed by Executive Committee Members Jack Hammond and Bill Kabeiseman, this CLE looked at trends in public policy concerning sustainability; solar, wind and wave energy opportunities and challenges; and financial incentives for renewable energy. The section also sponsored a luncheon in which Tom Chester, Director of the Renewable Energy Center at the Oregon Institute of Technology, spoke of the surge in interest in this field.

Executive Committee Members not only planned the two CLEs but were presenters at both (Bill Kabeiseman, Christy Monson and Wayne Belmont on the Mid-Year Program and Jack Hammond, Karen Williams and Wayne Belmont at the Fall event). Government Law Section CLEs are always well-attended and the cost is reasonable.

The Executive Committee has endeavored to have meetings and sponsor CLEs which seek venues outside the normal Portland-Metro area. Both of this year's CLEs were again located outside of the Portland area. We try to encourage member participation and membership on the board from around the state.

Main Communication Medium:

The section publishes email alerts. We have moved to email communication taking the place of hard copy newsletters. The email alerts are sent out seeking input from members and giving important notices concerning pending litigation, court decisions, and new rules by the state agencies. The section works with the Oregon State Bar to update its website. Its website has been the topic of discussion during the past year and continues to be an area that the executive committee concentrates on improving. The executive committee continues to view the website to be an important legal resource for its members and others.

Budget:

The section has resources within its budget due to high attendance at CLEs. With these resources, the section has been able to contribute to the Campaign for

Equal Justice and other important groups. The section has also sponsored luncheons and social gatherings in connection with its CLEs.

Annual dues have been \$10.00 for many years, which is one of the lowest section rates.

The section presently has 492 members, up slightly from previous years. The committee is interested in what the section members want, need and think. It welcomes input concerning areas that the section should be active in pursuing and methods of informing its members. The section has participated in legislative matters in the past, especially around law improvement issues.

The section gears its activities and educational events to lawyers who represent the government or represent people doing business with the government. The section tries to foster communication and an understanding between government lawyers and the private bar in this important area of legal practice.

Respectfully submitted: Wayne Belmont (CH), Ruth M. Spetter (CH-Elect), Terrence D. Mahr (Past CH), John H. Hammond (TR), Lisa M. Umscheid (SEC), Vance M. Cronney, Sarah E. Hanson, William K. Kabeiseman, Henry H. Lazenby, Steven Richard Lounsbury, Sharman Meiners, Christy K. Monson, Karen M. Williams, Ann L. Fisher (BC), Denise Cline (BL).

Health Law Section

Activities and accomplishments:

In 2008, the Health Law Section engaged in successful outreach to Oregon law schools that included career days when students could learn about possible health careers and invitation to the section CLE at a much reduced price. The section sponsored a well attended CLE on October 8 at Willamette Valley Vineyards in Turner, Oregon in partnership with the Oregon Health Lawyers Association that included a presentation by Senator Ron Wyden on the Healthy Americans Act as well as other presentations by Oregon health lawyers. We also successfully revamped the section website so it will be a much more effective tool for the section going forward. We began the process to accomplish a much needed update of the Health Law Manual and also surveyed the membership to determine their areas of practice and need.

Budget:

In 2009, the Health Law Section anticipates membership of 280, with total membership fees revenue of \$4,200. Our fund balance at the beginning of 2008 was

\$9,245 with anticipated remaining revenue at the end of the year of \$10,037.

Legislative issues:

The Health Law Section had a legislative coordinator who regularly kept the executive committee up to date on legislative and regulatory matters. The section elected not to sponsor legislation during the 2009 legislative session. The section also assessed the effect of new federal genetics law on Oregon law. We reported this assessment to the Department of Human Services Advisory Committee on Genetic Privacy and Research.

Matters considered/pending:

The Executive Committee considered

- Member needs. The section surveyed its membership to determine areas of practice and to identify what section activities would most effectively serve members.
- Legislation. The section elected not to sponsor any legislation for the 2009 legislative session.
- Genetics law. Through a workgroup, the effect of new federal genetics law on Oregon law
- The OSB Health Law Manual. A process to update the manual is underway and will continue into 2009.
- Effective methods to communicate with the section. The decision was made to eliminate the section Newsletter and use the website as the primary method of communication.
- Website. Members of the executive committee engaged in revamping of the section website. The executive committee will continue this work in 2009.
- Use of section funds. The executive committee elected not to make a contribution to the Campaign for Equal Justice and instead focus section resources on areas of specific interest and concern to health lawyers.
- Law school outreach. Related to the above bullet, the section engaged in outreach to Oregon law schools.

Recommendations for 2009:

- Continue CLE activity, including legislative updates
- Continue law school outreach.
- Continue update of Health Law Manual.
- Continue upgrade of section website and use of the website as the primary communication tool for the section.

- Monitor legislative session and develop system to keep membership informed, including the updates discussed above.

Respectfully submitted: Gwen M. Dayton (CH), Nicola Yeats Pinson (CH-Elect), Charles A. Sinsel (Past CH), Linda DeVries Grimms (TR), Peter D. Ricoy (SEC), Rachel Anne Wood Arnold, Molly Burns Herrmann, Craig Matthew Hopkins, Benjamin D. Knaupp, Kelly Knivila, Lisa T. Murphy, Brian M. Parrott, Amy Vandenbroucke, Christopher H. Kent (BC), Dustin Dopps (BL).

International Law Section

Activities and accomplishments:

The Executive Committee held monthly meetings at various locations in Portland.

The Section presented one 90 minute CLE in October on International Alternative Dispute Resolution. The featured speakers were Zela "Zee" Claiborne with JAMS and Steven C. Smith, a member of the Executive Committee.

The Section is co-sponsoring with the Willamette University College of Law its "International Law Weekend-West" conference, to be held in Salem next spring.

The Section implemented a community outreach program to foster the study of international law in Oregon and raise the profile of the Section in both educating and assisting the public with international legal matters. The focus of the program this year was on developing relationships with the three Oregon law schools.

In April, members of the Executive Committee met with Professor Nafziger from the Willamette University College of Law to discuss possible joint projects. This led to the Section's co-sponsorship of the International Law Weekend-West conference.

In May, members of the Executive Committee contacted two University of Oregon Law School professors, Gassama and McKinley, and discussed ways for Section members, student members and faculty to collaborate and further ties.

In October, members of the Executive Committee met with Lewis & Clark Law School students and a faculty adviser to discuss how to support one another on projects, including co-sponsored events and a possible international law newsletter.

There were exchanges with law school students and Section members throughout the year about international law conference and program offerings in Oregon.

The Executive Committee recognized the need to recruit more actively-involved members in order to effectively carry out the Section's mission. To that end, after an extensive nomination process, six new members were elected to the Committee at the Section's Annual Meeting in November.

Budget:

The Section is financially sound, with a projected year-end fund balance of \$8,200. Revenues for 2008 were approximately \$4,000 and expenses were approximately \$3,500. The budget for 2009 projects revenues of \$4,300 and expenses of \$4,971, with a year-end fund balance of \$7,529.

Recommendations for 2009:

- Review frequency of Executive Committee meetings and CLE programs
- Revisit content on the Section's website and consider adding more active links and articles
- Increase communication with Section members to encourage participation in Section-sponsored activities, ideas for CLE programs, website articles and networking
- Increase Section membership, which has remained stable over the past few years (124 as of December)
- Continue community outreach program

Respectfully submitted: William L. Clydesdale (CH), Patchen M. Haggerty (Past CH), Kelly L. Harpster (TR), Ellen Theodorson (SEC), Jacob J. Carroll, Lew E. Delo, Kimball H. Ferris, Akana K. J. Ma, Slone K. Pearson, C David Rossen (ADV), Robert L. Vieira (BC), Sarah Hackbart (BL).

Juvenile Law Section

Activities and accomplishments:

CLE. The section co-sponsored with the Bar its annual CLE at the World Forestry Center on February 8, 2008. This year we entitled our CLE "Eyes on the Child" and focused our presentations on the children themselves. The moderator was the well-known and greatly admired Judge Deanne Darling of Clackamas County, and our keynote speaker was Dr Orin Bolstad who addressed the topic "Assessing Adolescents for Competency". This presentation was well-received, as was Judge Nan Waller's presentation on 2007 Juvenile Law Legislative Changes. Feedback from attendees requested further presentations by Judge Waller. The CLE also included a panel on "Improving

Planning for Youth Transitioning from Foster care", Jody Marksamer of San Francisco on "Moving beyond Tolerance: Effective Strategies for Representing LGBT Youth", Kathryn Harrison on "A Spirit of Service", giving us a Native American viewpoint, a lunch-time update on Juvenile case-law and a wonderful panel presentation by three youth in or recently graduated from foster care. This panel received the highest evaluation points of the seminar. Finally, the CLE included a panel on "Preserving & Pursuing Tort Claims for Children" that became a stimulating discussion-starter, one that continued for several meetings of the Executive Committee and is still a topic of consideration by juvenile law practitioners. The section provided scholarships to this CLE for two students from each of the three law schools in the state. The CLE closed with a social to encourage networking amongst practitioners and those interested in becoming practitioners of juvenile law. Additionally, the section was one of several co-sponsors of the well-attended Juvenile Law Academy held in Eugene. The Academy focuses on education for the beginning practitioner and is regarded as both an excellent training opportunity as well as a source of membership.

Website. The section updated and made more user friendly its Website. The successful development is due to the efforts of Section secretary Cathy M. Ouellette and the webmaster that the section decided to hire for professional assistance. Thank you, Cathy.

Membership. In its on-going efforts to increase membership in the section, the Executive Committee encouraged the use of our list-serve and offered free membership to Judges and those OSB members who have 50 years of membership. The Committee discussed and prepared to offer free membership for 2009 to all new (i.e. 2008) Bar members. However, this decision was deferred to next year. The Committee instead created a sub-committee to address membership.

Tracking legislation. Although this was not a year that the legislature was in session, we maintained a vigilant watch over and monitored proposed legislation that affected juveniles through a subcommittee that reported back to the Executive Committee each month. Representatives who presented from that subcommittee were Ingrid Swenson and Tom Cleary, both of whom are to be congratulated for diligent work keeping us updated. Currently, the legislation that we are watching concerns notice to school principals of delinquency charges filed against students attending their schools. This issue is still being discussed, and Tom Cleary, as Multnomah County DAs office representative is our eyes and ears on that issue.

Budget:

Due to reduced revenue, the Executive Committee has decided to terminate its long-held practice of covering the travel and lodging expenses of those Executive Committee members who have to travel to attend the monthly meetings. Telephone participation will be continued.

Recommendations for 2009:

The Executive Committee will continue to focus on increasing section membership and the benefits of that membership, as well as on our on-going mission of improving the quality of representation for all parties in juvenile cases.

Respectfully submitted: Janie M. Burcart (CH), Julia Maureen Hagan (CH-Elect), Emily S. Cohen (Past CH), Christine Kanta Herbert (TR), Cathy M. Ouellette (SEC), Thomas P. Cleary, Peter D. Ellingson, Leslie J. Harris, Kathleen Payne, Shannon N. Penner, Steven E. Rosenbaum, Cara J. Smith, Julie Goss Sutton, Ingrid Swenson, Roger R. Wong, Stephen V. Piucci (BC), Dani Edwards (BL).

Labor & Employment Law Section

Activities and accomplishments:

The section maintains a membership of 835 members as of November 30, 2008. Attorneys who were admitted to the Oregon State Bar during 2008 were invited to join the section at no cost for the 2008 membership year.

The section conducted its Annual Meeting and a full day CLE at the Oregon Convention Center on October 3, 2008. Speakers and topics covered in the continuing legal education program were as follows:

Update on Labor and Employment Cases – Richard F. Leibman, Barran Liebmann LLP

International Legal Issues for Labor & Employment Lawyers – Henry Drummonds, Lewis & Clark Law School

Hot Employment Law Topics – Dennis Westlind, Stoel Rives, LLP

NLRB Update – Rich Ahearn, National Labor Relations Board, Seattle

The Future of BOLI – Brad Avakian, Commissioner, Oregon Bureau of Labor & Industries

Electronic Discovery in Employment Cases – Dan Barnhart, Bullard Smith et al

Approximately 120 people attended the annual meeting and continuing legal education program, and it was very well received.

Budget:

The section started 2008 with a balance of \$10,621 and, as of November 30, 2008, the balance was \$15,697. Typically odd numbered year annual meetings are held out of town and more expensive to the section.

Recommendations for 2009:

The Section will present its annual meeting and CLE in Central Oregon in 2009. The Section intends to offer several Breakfast Briefings on current legal topics as well. We will also be looking at new ways to raise the profile of the section, provide additional helpful programming to our section members and increase membership.

Respectfully submitted: Giles Gibson (CH), Allyson S. Krueger (CH-Elect), Craig R. Armstrong (Past CH), Thomas K. Doyle (TR), Adam D. Morrison (SEC), Jennifer L. Bouman, Alice L. Dale, Henry H. Drummonds, Stephanie M. Harper, Scott N. Hunt, Sherman B. Kellar, Paul M. Ostroff, Audrey T. Matsumonji (BC), Christine Kennedy (BL).

Litigation Section

Activities and accomplishments:

Comprised of attorneys practicing in areas ranging from civil to criminal, plaintiff to defense, personal injury to commercial, consumer to business, and real estate to family litigation, the Litigation Section remains the largest section of the Oregon State Bar. Our signature activities continue to be publication of the Litigation Journal, selection of the annual Owen M. Panner Professionalism Award winner, and sponsorship of the annual Litigation Institute and Retreat and the biennial Fundamentals of Oregon Civil Trial Procedure CLE, which will be held in October, 2009. Once again the Litigation Section was pleased to offer scholarships to the Litigation Institute and Retreat, which enabled public service and minority lawyers to attend this important event. As is our tradition, members of the Executive Committee paired up with scholarship recipients to personally host them at the Institute and Retreat. We continued to support the work of the Civil Law Advisory Commission by having our chair-elect serve as an active liaison member. We still maintain a website; assist in providing speakers for other CLE events, and work to promote communication, camaraderie, and professionalism within the bench and bar. Here are some further details:

- Litigation Journal. We produced three issues of the Journal this year, coming in under budget for this project. Editor Denny Rawlinson continues to

spearhead a first-rate publication in the Journal. We received several high quality unsolicited articles in 2008. In fact, we have enough material to produce a fourth Journal in 2009. Given the Section's budget surplus, the Executive Committee has approved the publication of four Litigation Journals in 2009. We believe the Journal is a valuable resource and a reason why lawyers choose to join the Section.

- 2008 Litigation Institute and Retreat. 2008 marked our 15th annual Institute and Retreat, which we co-sponsor with the Oregon State Bar. This year the Section was able to fund a total of seven scholarships to the Institute. Four of the recipients were sent to us by OMLA, Oregon Law Center, and Legal Aid Services of Oregon, the other three were sent to us by the Department of Justice and were recipients of the "Dennis Rawlinson Scholarships." These scholarships are awarded to those working in the public sector. They are given to honor the tremendous contribution that Dennis Rawlinson has made to the Litigation Institute. Nationally known speaker Michael Tigar joined us again to headline the "The Art of Persuasion." Micheal Tigar and the other presenters drew quite a crowd. The attendance numbers were higher than they had been in years, over 150 in attendance.
- 2009 Litigation Institute and Retreat. Planning is complete for the 16th
- Annual Litigation Institute and Retreat, featuring Terence F. MacCarthy and *"Impeachment, Weapons of Mass Distruciton."* We will also have Bill Barton and his insight on trial tactics, Steven Wax, who represented enemy combatants held at Guantanamo Bay, and John Mooy and the importance of storytelling skills, a panel on key trial issues, and presentation of the 12th Annual Owen M. Panner Professionalism Award to Thomas E. Cooney, Cooney & Crew LLP, Portland.
- 2008 Panner Professionalism Award. We were delighted to give the 2008 Panner Award to Carl Burnham, Jr. of Ontario.
- 2009 Panner Professionalism Award. We were extremely pleased to have an outstanding selection of nominees this year. After extensive investigation the subcommittee recommended three excellent candidates, from whom the Executive Committee chose Thomas E. Cooney as our 2009 Panner

Award recipient. Mr. Cooney has accepted the award and confirmed that he will attend the March 6, 2009 awards dinner during the 16th Annual Litigation Institute and Retreat. This year our goal was to complete the selection process prior to the publishing of the fall Litigation Journal. We were able to accomplish this goal by establishing new timelines and streamlining the selection process.

- Fundamentals of Oregon Civil Trial Procedure. This two-day seminar will be presented on October 16th and 17th at the Oregon State Bar Center.
- Website. In 2008 we worked to update and improve the content of our website. A subcommittee will continue to monitor and update the site so that it remains a relevant resource for our members and the community.
- Civil Law Advisory Commission. John Berge, who served as chair-elect this year, also served as our liaison to the Commission. He attended meetings as our representative and reported back to us regarding the Commission's work on e-court at the state level and its continuing investigation into trial access and procedure. Colleen O'Shea Clarke, our incoming chair-elect, will serve as CLAC liaison during 2009 for the Litigation Section.
- Charitable contributions. The Executive Committee approved a \$2500 contribution to the Campaign for Equal Justice and approved a \$1000 contribution to the National Association of Women Judges on behalf of the Section.

Budget:

We expect to end the year with a surplus of \$ 14, 124. We were significantly under budget on the Litigation Journal expenses as we had budgeted to produce four issues this year but produced only three. We do expect that we will have enough articles to produce a fourth Journal in 2009 and have budgeted accordingly. We had an increase in seminar expenses primarily due to our national speaker, Michael Tigar, but also due to the funding of three additional scholarships to the Institute and Retreat. We will continue to fund a total of seven scholarships in 2009. We had an increase in Executive Committee fees due to increased attendance at quarterly meetings and a change in the lodging reimbursement policy. The Executive Committee will continue to look for ways to limit committee expenses and still encourage full participation by committee members.

Legislative issues:

Liaison Lindsey Hughes kept the Executive Committee informed about proposed legislation of interest during the special February session. The Section did not take a position on any proposed legislation.

Matters considered/pending:

As reported above, the Executive Committee considered and passed on: a request to approve complementary Section membership for judges; the annual request for a \$2,500 contribution to the Campaign for Equal Justice; National Association of Women Judges' request for a \$1,000 contribution; the proposal to create and fund three scholarships to the 2009 Institute and Retreat in honor of Dennis Rawlinson and the proposal to continue funding four need based scholarships; the proposal to Fund a joint scholarship with the Oregon Trial Advocacy College allowing recipient to receive an Institute scholarship (\$500 value) plus registration to the Oregon Trial Advocacy College (\$500 value); selection of the 2009 Panner Award recipient; appointment of Colleen O'Shea Clarke to the Civil Law Advisory Commission; and nomination of a slate of officers and new members at large, which was presented at the October 12, 2008 Annual Meeting of the Section. The EC was particularly eager to recruit new members at large from diverse practice areas and from around the state; we were pleased to achieve that goal when Peter L. Barnhisel, Eric L. Dahlin and Theresa M. Kohlhoff accepted our invitation to become Executive Committee Members-at-Large.

Due to increasing fuel costs the Executive Committee voted to hold the July 2008 Executive Committee meeting at Salishan rather than in Ashland. Due to increasing lodging costs the Executive Committee voted to reimburse member expenses for one night lodging according to the Oregon State Bar Expense Reimbursement Policy - "actual cost for a moderately priced double occupancy room."

Recommendations for 2009:

The outgoing chair recommends that the EC make a concerted effort in 2009 to encourage public sector litigators to join the section.

Any other comments:

The Executive Committee salutes Bar liaison Karen Lee and her staff and Member Services representative Sarah Hackbart for their tireless and extremely effective work on behalf of the Section.

Respectfully submitted: Tracy A. Prall (CH), John A. Berge (CH-Elect), Nancie K. Potter (Past CH), Simeon D.

Rapoport (TR), Colleen O'Shea Clarke (SEC), Benjamin M. Bloom, Steven K. Bushong, Kimberly D'Aquila, Douglas E. Hojem, Lindsey H. Hughes, Michael R. Mahony, Thomas M. Ryan, Kathryn P. Salyer, Sarah Rhoads Troutt., Wm Randolph Turnbow, Timothy L. Williams, Christopher H. Kent (BC), Karen D. Lee (BL).

Products Liability Section

Activities and accomplishments:

The Products Liability Section's membership has been stable in 2008.

The Executive Committee met nine times this year, planned and put on a very successful half-day CLE in October, and published three issues of the newsletter.

A subcommittee of the Executive Committee has set in motion a law school essay contest for the three Oregon law schools to recruit potential newsletter articles and generate student interest in issues of products liability.

The section continues to maintain a web site with information pertinent to section members.

Finally, the section voted in a great slate of new members for the 2009 Executive Committee.

Budget:

Section revenues and expenses have remained stable. The section has accumulated a surplus, which the Executive Committee intends to use in part next year to award a prize in the law school essay contest and may use to increase the value of the CLE to members.

Legislative issues:

The Executive Committee did not maintain a legislative contact, since the short session in 2008 dealt with fiscal matters. Further, the Executive Committee has not identified any legislative issues on which the section should take a position.

Matters considered/pending:

The Executive Committee considered whether to contribute to various charitable groups this year and determined that this is not the best use of section members' money. No matters are pending.

Recommendations for 2009:

The Executive Committee hopes to publish three to four issues of the newsletter in 2009 and to increase attendance at the annual fall CLE.

Respectfully submitted: Bruce C. Hamlin (CH), Scott F. Kocher (CH-Elect), Meagan A. Flynn (Past CH), Michelle K. McClure (TR), Edward T. Tylicki (SEC), Charles E. Bolen, Jeffrey A. Bowersox, Todd Bradley, Henry H. Drummonds, John W. Knottnerus, Andrew Lee, Scott C. Lucas, Leslie W. O'Leary, David Casby Rocker, Helen C. Tompkins, Heather J. Van Meter, Deanna L. Wray, Stephen V. Piucci (BC), Teresa Wenzel (BL).

Real Estate and Land Use Section

Activities and accomplishments:

Summary - The Executive Committee and its subcommittees were active throughout the year. The subcommittees on opinion letters, annual meeting, education, and real property legislation and land use legislation, met on various matters and reported to the Executive Committee throughout the year.

Education - Education is the primary goal of the section. The RELU Annual Meeting and seminar was held August 8-10, 2008 at Salishan Resort at Gleneden Beach, with more than 225 attorneys registered. The Annual Meeting subcommittee, with the assistance of Norma Freitas, is responsible for the seminar and based on this year's evaluations, they continue to set a high bar. The section also held a one-day CLE on basics of Real Estate and Land Use, co-sponsored with the OSB in Portland, thanks to the efforts of the CLE subcommittee.

RELU Digest - The Real Estate and Land Use Digest continues bi-monthly publication with the help of volunteer contributors and the diligence of Kathryn Beaumont, editor and Eric Shaffner, assistant editor. The Digest is distributed to members in electronic format and is also available to members on the Section's website.

RELU Website - The fledgling website that is now independent of the OSB website continues to be refined and updated with the help of Paul Tichy, Appaloosa Business Services. A current project is compiling a searchable database of Digest publications, starting with the most recent. Development of a Digest archival database along with search tools is a long term project anticipated to provide an important research source for section members. In 2009 the website subcommittee will be exploring other website development including personalized log in and password options.

RELU Listserve - The listserv continues to provide a useful communication tool for section members to exchange ideas and to post questions on legal issues. The Executive Committee Vice-Chair serves as the list serve

moderator, and this year Vice-Chair Dominic Colletta continued to moderate discussions so the list serve functions as intended. The listserv is largely self-governing and promotes a unique professional exchange that allows colleagues throughout the state to communicate on matters of interest.

Opinion Letter - Through the efforts of the Standing Committee on Opinion Letters and its chair David Weiner, the Executive Committee reviewed and approved a letter submitted to the ABA that the Standing Committee neither approved nor disapproved the "Statement of Customary Practice" of third party attorney opinions promulgated by the Business Law Section of the ABA and reviewed by the Real Property Section Opinion Letter Committee of the ABA. A copy of the materials are available on the RELU website.

Legislation - The legislative and land use subcommittees, chaired by Greg Nelson and Chris Crean, respectively, continue to work on legislation that will assist with law improvement. (See details below.)

Membership and Volunteer Development - The Executive Committee continues to focus on membership development and attempts to direct new and continuing section members to volunteer opportunities that both interest the members and helps to sustain the short and long-term goals of the section. The website continues to direct new volunteers and provides a useful recruitment tool. As part of section development the Executive Committee approved a contribution in support of the Oregon Minority Law Students Association, for law school graduate bar study.

Legal Community Involvement - The Executive Committee is researching opportunities for more effective delivery of services to its members by looking at ways to liaison with other sections. In support of the greater legal community, the Executive Committee approved a contribution to the Campaign for Equal Justice, requesting the donation be used for programs related to real estate and land use.

Executive Committee - The Executive Committee met ten times during the course of the year. The meeting default location continues to be the OSB offices in Tigard. Other meeting locations included Portland, Ashland, and Tillamook. Except for the October meeting, a quorum was present for every meeting with some members attending by phone. The nominating subcommittee met electronically and recommended a slate of candidates for 2009 based on the Section's nominating committee guidelines. The slate was unanimously confirmed by the Executive

Committee and approved by the membership at the annual meeting in August.

Budget:

2008 revenue and expenditures were generally within budget. The revenue from the Annual Meeting was slightly higher than budgeted creating a small carryover from net revenue. There continues to be a budgeted reserve which the Executive Committee approved as reasonable given the increased expense in alternate years for the Annual Meeting held at the coast, and the possibility the section would have to reimburse the OSB for any losses if a CLE were canceled. The 2009 Annual Meeting held in Bend will likely generate less revenue and cost less than the 2008 Annual Meeting, depending on the format of the program.

Legislative issues:

The subcommittees have reviewed and approved four proposals for the 2009 session of the Oregon Legislative Assembly including LC (legislative concept)-589, which makes service requirements on the Land Use Board of Appeals consistent with other appeals; LC-590, which clarifies ORS 197.298(1) to allow local governments to bring higher quality farmland and forestland into the urban growth boundary only when lands of lower quality are not sufficient; LC-591 which clarifies parties who may act without a real estate license in selling their property; and LC-592 which clarifies language describing a "trust or estate" in Oregon statutes.

Recommendations for 2009:

The section will continue to produce up to six issues annually of the Digest; conduct the Annual Meeting scheduled for August 2009 at the Riverhouse Resort in Bend; plan an October CLE in Portland on advanced topics in Real Estate and Land Use; host monthly luncheon CLE's; monitor and report on legislation proposed in the 2009 legislature; enhance and upgrade the RELU website; continue the member listserve; and continue short and long-range planning and member outreach/development efforts.

Respectfully submitted: Joan S. Kelsey (CH), Dominic G. Colletta (CH-Elect), Karen M. Williams (Past CH), John C. Pinkstaff (TR), Gregory L. Nelson (SEC), Tod A. Bassham, James C. Casterline, Joshua A. Clark, Christopher D. Crean, Liz Fancher, Christian E. Hearn, Jeffrey H. Keeney, Jeffrey B. Litwak, Norma S. Freitas (ADV), Gerry Gaydos (BC), Michelle M. Peterson (BL).

Securities Regulation Section

Executive Committee Membership

2008 Officers:

Chair: Timothy S. DeJong, Stoll Berne
Chair-Elect: Gustavo J. Cruz, Davis Wright Tremaine LLP
Treasurer: David S. Matheson, Perkins Coie LLP
Secretary: Paul Trincherro, Grenley, Rotenberg, Evans, Bragg & Bodie, P.C.

2009 Officers (Elected at October 21, 2008 Annual Meeting):

Chair: Gustavo J. Cruz, Davis Wright Tremaine LLP
Chair-Elect: David S. Matheson, Perkins Coie LLP
Treasurer: Paul Trincherro, Grenley, Rotenberg, Evans, Bragg & Bodie, P.C.
Secretary: Tanya A. Durkee, Lane Powell PC

Committee Members Elected for Two-Year Terms at 2008 Annual Meeting:

Jeffrey Bird, Schwabe, Williamson & Wyatt P.C.
Sherrill A. Corbett, Tonkon Torp LLP
Jacob Gill, Stoll Berne

Continuing Members Elected at 2007 Annual Meeting:

Kevin C. Anselm, Chief of Enforcement/Securities Licensing and Registration,
Oregon Division of Finance and Corporate Securities
Sara N. Gray, Stoel Rives LLP
Justin Martin, Martin Law Group, P.C.
Justin Sawyer, Miller Nash LLP
David Wang, Holland & Knight LLP

Monthly Luncheons and Annual Meeting

Monthly Luncheons

The Securities Regulation Section held monthly luncheons in Portland at the Governor Hotel with CLE speakers. A list of the monthly lunch speakers for 2008 and the dates and subjects of their presentations follows:

OSB Securities Regulation Section Luncheon Speakers for 2008

January 16

Alan Cox, Senior Vice President of NERA Economic Consulting

Trends in Securities Class Actions and Issues in Subprime Litigation

March 19

Milo Petranovich, Lane Powell PC, and Gary M. Berne, Stoll Berne

The Supreme Court's recent decision in Stoneridge Investment Partners v. Scientific-Atlanta – Can anybody still get Stoned?

April 16

Kevin Anselm, Chief of Enforcement and Securities, Oregon Division of Finance and Corporate Securities

Securities Regulation Update – 2008

May 21

Greg Hitchcock, Davis Wright Tremaine LLP, and Jim Kearney, Stoel Rives LLP

162(m) Plus 144: Adding Up the New Rules

June 18

Jeff Manning, reporter for The Oregonian

Observations from the Civil Trial of Craig Berkman & Arthur Andersen

July 16

Michael Weiner and Richard Sorenson, Directors at Bates Private Capital, an LECG company

Auction Rate Securities: Their History and Current Litigation Issues

September 17

Gwyneth E. McAlpine, Perkins Coie LLP

E-Proxy: Lessons Learned from the 2008 Proxy Season

November 19

Bradley Tellam, Stoel Rives LLP

E-Discovery Ethics: Fisons to Qualcomm

Annual Meeting

The Securities Regulation Section held its Annual Meeting in Portland on October 21, 2008. The keynote speakers were Meredith Wood Smith and Vance Day, the Oregon Democratic and Republic Party Chairs, respectively. Their presentation was titled "Election 2008: Party Perspectives On The Key Political Races in Oregon."

Budget:

The Section continues to enjoy a positive financial situation. As of October 31, 2008, the Section had a cash balance of \$7,537, which has accrued over several years, and the cash flow from membership fees and other revenue sources has been sufficient during 2008 to cover expenses relating to luncheons and the Section's other activities.

In 2008 the Section again awarded a \$500 scholarship to a top student at each of Oregon's three law schools who was chosen by the professor who teaches securities regulation at the school. The Section also contributed \$500 to the Campaign for Equal Justice.

For 2009 the Section projects a continuing positive cash balance and expects to continue its monthly luncheons, its scholarships and its sponsorship of and participation in the Northwest Securities Institute, which will be held in Portland on February 6 and 7, 2009.

Respectfully submitted: Timothy S. DeJong (CH), Gustavo J. Cruz (CH-Elect), Sherrill A. Corbett (Past CH), David S. Matheson (TR), Paul H. Trincherro (SEC), Kevin C. Anselm, A. Jeffery Bird, Tanya A. Durkee, Michael J. Esler, Sara N. Gray, Justin R. Martin, Justin C. Sawyer, Charmin B. Shiely, David C. Wang, Timothy C. Gerking (BC), Susan Roedl Cournoyer (BL).

Sole & Small Firm Practitioners Section

Activities and accomplishments:

The section executive committee held meetings throughout the year. We planned and held a 5 hour CLE on November 8, 2008. The Portland area chapter was reinstated and held several meetings. The listserve was active and provided information to a number of individuals as well as helping to establish a feeling of community within the section.

Budget:

Budget information can be obtained through the Treasurer, Bob Browning.

Matters considered/pending:

A number of issues were considered. The following list is not exclusive, and a look at the meeting minutes will provide additional information. The Committee discussed the Bar Books pricing, funding for law libraries, OSB request for participation in a CLE requiring our donation of \$5,000 with no input on the program, HOD issues, current status of area chapters, etc.

Recommendations for 2009:

Continue down the goals and aspirations set at the beginning of the year. Consider the request for two CLEs per year.

Respectfully submitted: Velda Hamilton Rogers (CH), W. Scott Phinney (CH-Elect), Donna G. Goldian (Past CH/SEC), Robert A. Browning (TR), Russell D. Bevans, Michael

L. Cooper, Vincent A. Deguc, Kelly Michael Doyle, Joshua S. Williams, Christopher H. Kent (BC), Rod Wegener (BL).

Taxation Section

Activities and accomplishments:

The Executive Committee meets four times a year. The membership is fairly stable at around 450 members, thus creating the stable revenue base. The Section is financially healthy and anticipates using funds to increase the quality of CLE by bringing in speakers from out of town for the Tax Institute and a regularly-produced luncheon program series as a benefit to members. In addition, funds have been authorized for the improvement and maintenance of the Section's web site. This report provides more details on the Section's activities and goals.

Luncheon Series: Tax luncheons are held in both Portland and Salem for local practitioners. Both series included sessions throughout the entire year. While both lunches make some profit, the primary focus is education of members.

Annual Oregon Tax Institute: For the first time, the Section held the Annual Tax Institute, in conjunction with the Washington Bar's Taxation Section in Seattle. Unfortunately, attendance was not as expected and the Institute lost money. As a result, the Institute may go back to being held only in Oregon. Our marks for the Institute were very high. The current plan for the 2009 is to hold the Institute in Oregon.

Web Site. The Section's web site has been redesigned, and is maintained, by Spotted Horse Software, which also does work for other sections of the Oregon Bar. While it is still produced on paper and mailed to Section members, the Section's newsletter is now also accessible electronically through the web page.

Newsletter: The section continues to produce a newsletter to our members, with articles of interest to tax practitioners. A Newsletter subcommittee meets via teleconference about once a month. Three newsletters were produced this year; the Committee hopes to issue 4 newsletters during 2009.

Tax Section ListServ: The Committee authorized the Tax Section ListServ in 2006. The activity was initially sparse, but with the addition of a newly designed Web Site and more publicity regarding its availability, its use has gained momentum. We are hopeful that, as it becomes more known to members its use will continue to increase as a useful resource for the exchange of information.

IRS Practitioner's Forum. The Committee participates in coordinating and producing the IRS Practitioner's Forum, held annually. This event is co-sponsored with the OSCP and the Internal Revenue Service. The Taxation Section has used funds that have accumulated in the past from our sponsorship of the event as scholarships for tax law students to the conference this year. We plan to continue this practice and to continue participating in the Forum.

Budget:

Revenues for 2008 are projected to be about \$33,600. Expenses are projected to be about \$35,300. The ending fund balance is projected to be \$70,000. In 2009 revenues and expenses are projected to be about \$33,000 and \$35,000, respectively.

About one-third of the revenue comes from dues of Section members. Another one-third comes from the Portland Luncheon Series.

Legislative Issues:

The Section is not sponsoring any legislation for the upcoming 2009 legislative session. However, the Section has a Legislative Subcommittee. The Committee is quite proud of the fact that our positive interactions with the Oregon Department of Revenue have increased in frequency and effect. Members of our Legislative Subcommittee have devoted a substantial number of hours, including travel time to Salem for legislative hearings and meetings with the Department of Revenue, in order to have a positive impact upon drafting and revising proposed legislation in a variety of tax areas. The Legislative subcommittee meets periodically with heads of the Department of Revenue to discuss ongoing tax issues and to keep open lines of communication. The Department forwards proposed administrative rule changes to the subcommittee, which are then forwarded to executive committee members for review and comment. Proposed legislation and administrative rules changes are discussed at each of our quarterly Executive Committee meetings. It appears that cooperation between the Section and the Department of Revenue continues to increase, and that our assistance to the Department in preparing and reviewing constructive legislative proposals is appreciated.

Matters considered/pending:

The Section is considering offering scholarships to law school students who intend to obtain an LLM in Taxation. The scholarships will be available to students at any of the three Oregon law schools.

Recommendations for 2009:

Broad Brush Taxation Seminar. The Broad Brush Taxation Seminar, which is held every other year, will be held in 2009. This Seminar is aimed at those Bar members who are not tax experts.

Respectfully submitted: Mark L. Huglin (CH), Katherine O. VanZanten (CH-Elect), Marc K. Sellers (Past CH), Larry Joseph Brant (TR), Valerie Sasaki (SEC), Steven L. Christensen, Gwendolyn Griffith, Neil D. Kimmelfield, Mark F. LeRoux, John Anthony Magliana, Robert T. Manicke, David C. Streicher, Jeffrey S. Tarr, Michael C. Wetzler, Jeffrey M. Wong, Kathleen A. Wong (BC), Karen D. Lee (BL).

Workers Compensation Section**Activities and accomplishments:**

The section held its 26th Annual Meeting on May 16, 2008, at the Salishan Lodge at Gleneden Beach, Oregon. At the meeting, the section elected the following officers and members-at-large to serve on the Executive Committee:

Officers:

Chair: Matthew Roy

Chair Elect: Matthew Fisher

Treasurer: Julie Masters

Secretary: Dale Johnson

Past Chair: Holly Somers

Members-at-Large:

James L. Edmunson

Rob Guarassi

Jacqueline Jacobson

Dale Johnson

Dean Lederer

Chuck Mundorff

Jill Reichers

Jennifer Roumell

Adam Stamper

Arthur Stevens, III

Dennis VavRosky

The meeting was held in conjunction with a two-day seminar. The seminar was approved for 9 ½ MCLE credits. The program included various legal and medical speakers covering topics relevant to practitioners of workers' compensation on both sides of the Bar.

The section also sponsored a Bench/Bar Ethics CLE on November 14, 2008, free of charge to its members.

The conference covered two hours of discussion regarding ethical dilemmas faced by practitioners of workers' compensation law and one hour of access of justice credit. The CLE was held at the Willamette Valley Vineyards in Turner, Oregon.

Budget:

The executive committee has approved the section's budget for 2009. Generally, the largest expenditures relate to the seminars sponsored by the section.

Recommendations for 2009:

The executive committee will continue with monthly meetings held in accordance with the section bylaws. The standing committees will continue to meet on an as-needed basis to function with the following general goals:

Legislative/Rules:

Monitor proposed and potential legislation and rules under the Board and Department; provide advice to the committee regarding the advisability of proposed legislation or rule changes, and review current workers' compensation laws to keep the committee apprised of new developments.

Professionalism:

Advance the interests of section members by sponsoring seminars and programs dealing with professionalism and ethics; consider means by which the section can improve relations between the membership and those providing services to injured workers and employers, clients and members of the public. The goal for 2009 is to put on at least one Bench/Bar ethics CLE at Willamette Valley Vineyards.

Access to Justice:

Identify means by which the section can facilitate the use of the workers' compensation forum by practitioners and members of the public; educate lawyers, judges and those providing services to injured workers and employers regarding the potential impact of cultural differences upon use of the workers' compensation system.

Salishan/CLE:

Plan and coordinate the annual section business meeting and CLE. The 2009 annual meeting/CLE will again be held at Salishan Lodge on May 15-16.

Communications:

Monitor the development and production of the section's website and continue efforts in getting relevant practice information to all section members.

Douglas Daughtry Award Committee:

This committee is made of the most recent three past section chairs and meets to make recommendations to the full committee on the merit of nominations for the award. This committee will begin meeting in March 2009 to start accepting nominations and making recommendations to the full committee for the award, which, if given, will be presented at section's Annual Meeting at Salishan.

Go Forward Committee:

This newly-created committee focuses on the sustainability of our practice, including recruitment of new lawyers and expanding our practice area. Initial focus will be on recruiting law students. The committee will help prepare basic CLEs geared toward new members and develop a speakers bureau for lunch time talks.

Respectfully submitted: Holly J. Somers (CH), Matthew Lansing Roy (CH-Elect), Linh T. Vu (Past CH), Meg Carman (TR), Matthew M. Fisher (SEC), James L. Edmunson, Robert J. Guarrasi, Jacqueline M. Jacobson, Dale C. Johnson, Dean J. Lederer, Julie Masters, Charles R. Mundorff, Jill M. Riechers, Jennifer R. Roumell, Arthur Wilber Stevens, Geoffrey G. Wren, Bette L. Worcester (BC), Suzanne Cushing (BL).



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